

# Ordinance No. 1343-2023 AS AMENDED

By Council Members McCormack, Bishop and Griffin (by departmental request)

## AN EMERGENCY ORDINANCE

Authorizing the ~~Director of Capital Projects~~ Directors of Capital Projects and/or Finance to apply for and accept funding to implement the Bedrock Development Project, aka, Cleveland Riverfront Masterplan; determining the method of making the public improvement; authorizing the Director of Capital Projects to enter into one or more contracts to construct and implement the improvement; authorizing the Commissioner of Purchases and Supplies to acquire, accept and record real property and easements that are necessary for the improvement; and authorizing other agreements.

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WHEREAS, The City of Cleveland has entered into a Master Planning Agreement with Bedrock Management Services, LLC; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Capital Projects and/or Director of Finance is authorized to apply for and accept any gifts, grants, loans, or other funding from any public or private entity to construct roadway and bridge improvements within the Bedrock Development Project, aka the Cleveland Riverfront Masterplan Project area, including but not limited to, full-depth pavement, drainage upgrades, installation of ~~curb~~ curbs, curb ramps, ~~sidewalk~~, sidewalks, driveways, aprons, median strips, intersections, utility boxes, casting adjustments, appurtenances, streetscaping, landscaping, streetlighting, if necessary, and other related infrastructure improvements (the "Improvement"); that the appropriate Director is authorized to file all papers and execute all documents necessary to receive the gifts, grants, loans, or other funding; and that the funds are appropriated for the purposes described in this ordinance.

Section 2. That the Director of Capital Projects and/or Director of Finance is authorized to repay the loan or other funding, if required, from the appropriate fund as designated by the Director of Finance.

Section 3. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the Improvement

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or any component, for the Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 4. That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 5. That the Director of Capital Projects is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 5a. In addition and as an alternative to the construction contracting method authorized in Sections 3 and 4 above, the public improvement of any one or more distinct component parts of the Improvement may be made by one or more contracts combining professional design services and construction services in one or more design-build contracts including, but not limited to, bridging design-build and other design-build variants, or by combining construction management services, professional design services and construction services in one or more construction-management contracts or one or more construction-manager-at-risk contracts or other similar contracts, which may utilize open-book pricing and/or guaranteed maximum price, duly let to the person, firm, or corporation or combination of them submitting the best proposal, after a competitive qualifications-based selection process which takes into consideration the engineering and design, the proposed design and construction costs, the construction method, the schedule, the total life-cycle costs, the qualifications of the proposed design professional(s), construction firm(s) and construction management firm(s), the community benefits offered, and the risks and the objectives of the Improvement and the component(s).

The selection of the person, firm, or corporation to design, construct and/or manage the Improvement shall be made by the Board of Control on the nomination of the appropriate department director(s) from a list of qualified and available persons, firms, or corporations, as may be determined by the director(s) after making a full and complete canvass for the purpose of compiling the list. The Board of Control shall fix the total compensation to be paid for all design and construction and/or construction management, or any combination of them, necessary for the Improvement. The

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contract or contracts shall be prepared by the Director of Law, approved by the appropriate department director(s) and certified by the Director of Finance.

Section 6. That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary for the Improvement.

The selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of Capital Projects from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Capital Projects for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Capital Projects, and certified by the Director of Finance.

Section 7. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, the Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District and other entities to obtain services or to acquire ~~property rights such as~~ such property rights, including but not limited to, easements and licenses, necessary for the Improvement.

Section 8. That the Director of Capital Projects, when necessary, is authorized to cause payment to any railroad, the Greater Cleveland Regional Transit Authority and other entities for payment of any services which were necessary for the Improvement.

Section 9. That the Director of Capital Projects is authorized to accept a cash contribution from public or private entities for infrastructure costs associated with the

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Improvement. The Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 10. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the Improvement.

Section 11. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record for right-of-way purposes any real property including but not limited to fee simple acquisitions, temporary easements, permanent easements, and work agreements as is necessary to make the Improvement. The consideration to be paid for the property and easements shall not exceed fair market value, as determined by the Board of Control.

Section 12. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, review appraisers, and all other costs necessary for the acquisition of the property and easements.

Section 13. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

Section 14. That the cost of this ordinance shall be paid from Fund Nos. 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 586, 20 SF 592, 20 SF 597, 20 SF 702, 20 SF 712, 20 SF 718, from the fund or funds to which are credited the proceeds of any future bonds if issued for this purpose, from the fund or funds to which are credited any payment, grant, gift, or other funding accepted under this ordinance, and any funds approved by the Director of Finance for this purpose. (RQS 0103, RLA 2023-126)

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Section 15. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PMA:nl  
11-20-2023  
FOR: Director DeRosa

**Ord. No. 1343-2023 AS AMENDED**

**REPORT  
after second Reading**

**By Council Members McCormack, Bishop and Griffin  
(by departmental request)**

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\_\_\_\_\_ **READ FIRST TIME** \_\_\_\_\_ **REPORTS**  
and referred to  
by the council

\_\_\_\_\_ **CITY CLERK**

\_\_\_\_\_ **READ SECOND TIME** \_\_\_\_\_  
by the council

\_\_\_\_\_ **CITY CLERK**

\_\_\_\_\_ **READ THIRD TIME** \_\_\_\_\_  
by the council

\_\_\_\_\_ **PRESIDENT**

\_\_\_\_\_ **CITY CLERK**

\_\_\_\_\_ **APPROVED** \_\_\_\_\_

\_\_\_\_\_ **MAYOR**