

# Ordinance No. 489-2023 AS AMENDED

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

## **AN EMERGENCY ORDINANCE**

Determining the method of making the public improvement of constructing roadway, traffic calming, and park and recreation improvements under the Back to Basics City-wide Infrastructure Improvement Program, including making site improvements and appurtenances; and authorizing the Director of Public Works or Capital Projects, as appropriate, to enter into one or more public improvement contracts, professional services, and other contracts; to apply for and accept grants and gifts; and authorizing the direct employment of the necessary labor, for the Department of Public Works and Office of Capital Projects.

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WHEREAS, the City desires to create the Back to Basics City-Wide Infrastructure Improvement Fund to focus on basic capital needs in our City and ensure that all residents get the benefit of improvements to their neighborhoods; and

WHEREAS, safe reliable infrastructure can have a significant effect on the well-being of a community. Research shows that well-maintained infrastructure reduces exposure to harmful conditions, provides opportunity for recreation and physical activity, improves safety, promotes community identity and a sense of well-being, and provides economic benefits at both the community and household level; and

WHEREAS, the Back to Basics City-Wide Infrastructure Improvement Fund will be used for the following improvements: roadway improvement projects, traffic calming projects, new playground or playground improvement projects, and recreational court improvement projects (collectively the "Improvements"); 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing pavement improvements to various residential, commercial, and industrial roadways throughout the City, including but not limited to, the resurfacing or rehabilitation of roadways, ADA compliant ramps, base repairs, casting adjustments, concrete repairs, slab replacement, and other appurtenances (the "Roadway Improvement"), for the

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Department of Public Works and 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 Roadway Improvement.

Section 2. That the Director of Public Works or Capital Projects, as appropriate, 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 Roadway 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 3. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing traffic calming improvements, including but not limited to installing speed tables, installing neighborhood traffic circles, upgrading traffic signals, upgrading 20 mph school zone flashing lights, installing modular bus stop platforms, and making other site improvements and appurtenances (the "Traffic Calming Improvement"), for the Department of Public Works and Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Traffic Calming Improvement.

Section 4. That the Director of Public Works or Capital Projects, as appropriate, 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 for a gross price for the Traffic Calming 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

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components may be the subject of a separate contract for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Traffic Calming Improvement.

Section 5. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, rehabilitating, renovating, or replacing basketball courts at city parks and recreation centers, including making site improvements and appurtenances (the "Courts Improvement"), for the Department of Public Works and Office of Capital Projects, by one or more public improvement contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit price basis for the Courts Improvement.

Section 6. That the Director of Public Works or Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the Courts Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit price basis for the Courts Improvement, provided, however, that each separate trade and each distinct component part of the Courts 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 price basis. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Courts Improvement.

Section 7. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, rehabilitating, renovating, or replacing playgrounds at city parks and recreation centers, including making site improvements and appurtenances (the "Playgrounds Improvement"), for the Department of Public Works and Office of Capital Projects, by one or more design-

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build contracts duly let to the person, firm, corporation, or combination of them submitting the best proposal, taking into consideration the engineering and design, the construction delivery method, the proposed design and construction costs, the schedule, the qualifications of the proposed design professional and construction firm(s), and the other objectives of the Playgrounds Improvement.

The selection of the persons, firms, or corporations to design and construct the Playgrounds Improvement shall be made by the Board of Control on the nomination of the Director of Public Works or Capital Projects, as appropriate, from a list of qualified and available persons, firms, or corporations, as may be determined by the appropriate director 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 procurement necessary for the Playgrounds Improvement. The contract or contracts shall be prepared by the Director of Law, approved by the Director of Capital Projects, and certified by the Director of Finance. On request of the director, the selected design-build proposer(s) shall furnish a correct schedule of unit prices, including project soft costs, profit, and overhead, for all items constituting units of the Playground Improvement.

Section 8. That the Director of Public Works or Capital Projects, as appropriate, 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 9. That the Public Works or Capital Projects, as appropriate, 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

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the several departments of the City of Cleveland in order to provide professional services necessary to implement this ordinance.

That the selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Works or Capital Projects, as appropriate, from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Works or Capital Projects, as appropriate, 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 Public Works or Capital Projects, as appropriate, and certified by the Director of Finance.

Section 10. That the Director of Public Works or Capital Projects, as appropriate, is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a term to be determined by the Director of Public Works or Capital Projects, as appropriate, for each or all of the items comprising the necessary supplies and materials, equipment and services for the Improvements, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the Director of Public Works or Capital Projects, as appropriate. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. In lieu of utilizing the authority contained in this ordinance, and notwithstanding the provisions of Codified Ordinance Sections 131.67 and 181.101 to the contrary, nothing shall prohibit purchases described in this section

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from being procured under an existing or future requirements contract authorized under Codified Ordinance Sections 131.67 or 181.101, payable from the funds identified in this ordinance.

Section 11. That under Section 167 of the Charter of the City of Cleveland, it is determined to make the Improvements authorized in this ordinance, including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized otherwise in this ordinance by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the Improvements authorized in this ordinance which supplies and materials are not covered by the contract or contracts authorized otherwise in this ordinance, with a separate accounting for each Improvement made.

Section 12. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Works or Capital Projects, as appropriate, may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 13. That the Director of Public Works or Capital Projects, as appropriate, are authorized to apply for and accept any gifts, grants, or services to implement this ordinance, from any public or private entity; and that the appropriate director is authorized to file all papers and ~~executive~~ execute all documents necessary to receive any gift, grant funds or services; and that the funds are appropriated for the purposes described in this ordinance.

Section 14. That the costs of the contracts authorized shall not exceed ~~\$20,000,000,~~ \$30,000,000, and shall be paid from the fund or funds to which are

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credited any gifts or grants accepted under this ordinance and from any other funds approved by the Director of Finance. (RQS 0103, RLA 2023-47)

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.

SM:nl  
4-17-23

FOR: Directors Williams and DeRosa

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**REPORT  
after second Reading**

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

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

**REPORTS**

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

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

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

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

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

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

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

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