

Ordinance No. 449-2019

**Council Members Johnson and Kelley
(by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects and/or Public Works to enter into contract with Millstone Management Group for the immediate purchase of labor, equipment, and materials necessary for the emergency repair of several offices and one area in City Hall caused by water damage; authorizing the appropriate director to lease office space to temporarily locate employees while renovations are being made to their offices, for a period up to one year; and authorizing the purchase and rental by one or more requirement contracts of furniture, furniture systems, and equipment.

WHEREAS, in January 2019, several water pipes broke in City Hall causing substantial damage to the offices of the Departments of Law, Community Relations, and Economic Development and to an area in the Custodian's Office; and

WHEREAS, employees in those departments are currently relocated, or will need to be relocated, in temporary work places at several off-site locations; and

WHEREAS, it is necessary to begin the emergency repairs to those areas so that employees can be returned to their offices and can continue the business of the City; and

WHEREAS, Millstone Management Group previously submitted a bid for the project and is available to begin work on the project immediately; and

WHEREAS, the Director of Capital Projects and Public Works have determined that based on considerations of capability and experience, immediate availability, quality, cost, and safety, the City should contract with Millstone Management Group for the immediate purchase of labor, equipment, and materials necessary for the emergency repair of several offices and one area in City Hall caused by water damage; 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 Public Works is authorized to make one or more written contracts with Millstone Management Group for

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the immediate purchase of labor, equipment, and materials necessary for the repair of the offices of the Departments of Law, Community Relations, and Economic Development, and to an area in the Custodian's Office, to be purchased by the Commissioner of Purchases and Supplies for the Office of Capital Projects and/or Department of Public Works.

Section 2. That the Director of Capital Projects and/or Public Works is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements to be determined by the appropriate director of the necessary items of furniture and furniture systems, including installation, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the appropriate office or department. 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 specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 3. That under Section 108(b) of the Charter, the purchases authorized in Section 2 may be made through cooperative arrangements with other governmental agencies. The appropriate director 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 4. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Law, Community Relations, or Economic Development is authorized to lease office space for impacted departments while the emergency repairs are being done.

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Section 5. That the term of the lease or leases shall not exceed one year.

Section 6. That the rent for lease or leases shall be fair market value, exclusive of utilities, as determined by the Board of Control.

Section 7. That the lease or leases may authorize the City to make improvements to the leased premises under terms to be determined by the parties to be consistent with the public purpose or purposes of providing office space for impacted departments.

Section 8. That the lease or leases may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

Section 9. That the lease or leases shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

Section 10. That the Director of Law, Community Relations, or Economic Development is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period to be determined by the director of the necessary items for the rental of office furniture and equipment for those departments entering into a lease agreement under this ordinance, to be procured by the Commissioner of Purchases and Supplies on a unit basis for the Department of Law, Community Relations, or Economic Development. 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 specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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Section 11. That under Section 108(b) of the Charter, the procurements authorized in Section 10 may be made through cooperative arrangements with other governmental agencies. The appropriate director may sign all documents that are necessary to make the procurements, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 12. That the appropriate director, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effectuate this ordinance.

Section 13. That the cost of the contract or contracts authorized with Millstone Management Group shall be paid from Fund Nos. 01-1001-6930, 20 SF 566, 20 SF 573, 20 SF 578, 20 SF 585, 20 SF 588, from the fund or funds to which are credited the proceeds from the sale of future bonds if issued for this purpose, and other funds approved by the Director of Finance.

Section 14. That the costs of the requirement contract or contracts for the purchase of furniture and furniture systems, including installation, shall be paid from Fund Nos. 20 SF 566, 20 SF 573, 20 SF 578, 20 SF 585, 20 SF 588, from the fund or funds to which are credited the proceeds from the sale of future bonds if issued for this purpose, and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 15. That the costs of any lease of office space needed for the Departments of Law, Community Relations, or Economic Development while the

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emergency repairs are being done shall be paid from Fund No. 01-1001-6930 and from funds approved by the Director of Finance.

Section 16. That the costs of the requirement contract or contracts for the rental of office furniture and equipment for those departments entering into a lease agreement for temporary office space under this ordinance shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any procurement under the contract, each of which procurements shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQS 0103, RLA 2019-24)

Section 17. 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
4-8-19

FOR: Director Spronz and Director Cox

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**REPORT
after second Reading**

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READ FIRST TIME on APRIL 8, 2019 **REPORTS**
and referred to DIRECTORS of Capital Projects, Public Works, Finance, Law;
COMMITTEES on Municipal Services and Properties, Finance

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

**PASSAGE RECOMMENDED BY
COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

**PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE**

FILED WITH COMMITTEE

