

Ordinance No. 513-2019

Council Members: Johnson and Kelley (by departmental request)

An emergency ordinance determining the method of making the public improvement of rehabilitating several offices and one area in City Hall caused by water damage; and authorizing the Directors of Capital Projects and/or Public Works to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director of Finance to lease office space to temporarily locate employees while renovations are being made to their offices, for a period up to one year; authorizing the acceptance of gifts and grants; and authorizing the purchase and rental by one or more requirement contracts of furniture, furniture systems, equipment, comprehensive moving and storage services.

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, 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 rehabilitating the Departments of Law, Community Relations, and Economic Development, and to an area in the Custodian's Office, for the Department of Capital Projects and/or Public Works by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 2. That the Directors of Capital Projects and/or Public Works 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 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 for a gross price. On request of the Director of Capital Projects and/or Public Works, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 3. That the Director of Capital Projects and/or Public Works 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 4. 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 Director of Capital Projects and/or Public Works 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 Departments of Law, Community Relations, Economic Development and to an area affected in the Custodian's Office. 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 5. 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 Finance is authorized to lease office space to temporarily locate employees while renovations are being made to their offices under Section 1 of this ordinance.

Section 6. That the term of the lease or leases shall not exceed one year.

Section 7. That the rent for lease or leases shall be fair market value, exclusive of utilities, as determined by the Board of Control.

Section 8. 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 while the emergency repairs are being done.

Section 9. That the lease or leases may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

Section 10. 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 11. That the Director of Finance 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, and the purchase of comprehensive moving and storage services if the Director of Finance enters into a lease agreement for temporary office space under this ordinance, to be procured and purchased by the Commissioner of Purchases and Supplies on a unit basis for the

Department of Finance. 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 12. That under division (b) of Section 108 of the Charter, the procurements and purchases authorized in Sections 4 and 11 may be made through cooperative arrangements with other governmental agencies. The Director of Capital Projects, Public Works and/or Finance may sign all documents that are necessary to make the procurements and purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 13. That the Director of Capital Projects, Public Works and/or Finance, 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 14. That the Director of Capital Projects, Public Works, Finance, and/or Law is authorized to apply for and accept any grants or gifts from any public or private entity, including but not limited to the gift of furniture, to implement this ordinance. The Director of Capital Projects, Public Works, Finance, and/or Law is authorized to file all papers and execute all documents necessary to receive any funds; and that the funds are appropriated for the purpose of implementing this ordinance.

Section 15. That the cost of the improvement and expenditures for the rehabilitation of the offices of the Departments of Law, Community Relations, and Economic Development, and to an area in the Custodian's Office, 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 16. That the costs of any lease of temporary office space needed for any affected department while the rehabilitation to their office is being done shall be paid from Fund No. 01-1001-6930 and from funds approved by the Director of Finance.

Section 17. 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, and from the fund or funds to which are credited the proceeds from the sale of future bonds if issued for this purpose; and the costs of the requirement contract or contracts for the rental of office furniture and equipment and the purchase of moving services and storage for an affected department if 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 purchase or procurement under the contract or contracts, each of which purchases or 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 18. 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.

Passed May 13, 2019.

Effective May 15, 2019.