

Ordinance No. 636-2025

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

AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of constructing recreational improvements to Rockefeller Park under the Back to Basics City-Wide Infrastructure Improvement Program, including making site improvements and appurtenances; and authorizing the Directors of Parks and Recreations or Capital Projects, as appropriate, to enter into one or more public improvement contracts, professional services, and other contracts; to apply for, accept and expend grants and gifts; and authorizing the direct employment of the necessary labor, for the Department of Parks and Recreation and Office of Capital Projects.

WHEREAS, under Ordinance No 489-2023 passed June 5, 2023 the City made improvements under the Back to Basics City-Wide Infrastructure Improvement Program for capital needs in our City and ensure that all residents get the benefit of improvements to their neighborhoods; and

WHEREAS, additional improvements are desired to extend the Back to Basics City-Wide Improvement Program to include the enhancements at Rockefeller Park; 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 recreational improvements to Rockefeller Park, including but not limited to, making site improvements and appurtenances, repaving the parking lot, installing and constructing a public restroom and playground, and installing and refurbishing lightening and fencing improvements at the Murrell Capers Tennis Courts (the “Improvements”) for the Department of Parks and Recreation and Office of Capital Projects by one or more public improvement contract duly let to the lowest responsible bidder or bidders after competitive bidding on a unit price basis for the Improvements.

Section 2. That the Directors of Parks and Recreation or Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the Improvements with the lowest responsible bidder or bidders after competitive bidding on a unit price basis for the Improvements, provided, however, that each separate trade

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and each distinct component part of the Improvements 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 appropriate director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvements.

Section 3. That the Directors of Parks and Recreation 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 4. That the Directors of Parks and Recreation 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 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 Directors of Parks and Recreation 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 Directors of Parks and Recreation 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 Directors of Parks and Recreation or Capital Projects, as appropriate, and certified by the Director of Finance.

Section 5. That the Directors of Parks and Recreation 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 Directors of Parks and

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Recreation 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 Directors of Parks and Recreation 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 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 6. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the Improvements, including all site improvements and appurtenances necessary and incidental not covered by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the Improvements, which supplies and materials are not covered by the contract or contracts authorized in this ordinance, with a separate accounting for each improvement made.

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-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

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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 Directors 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 appropriate 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, under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Directors of Parks and Recreation 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 9. That the Directors of Parks and Recreation 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 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.

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Section 10. That the costs of the contracts authorized shall not exceed \$2,100,000 and shall be paid from the fund or funds to which are 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 11. 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.

GB:uo
5-12-2025
FOR: Directors Nichols and DeRosa

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READ FIRST TIME on MAY 12, 2025 **REPORTS**
and referred to DIRECTORS of Parks and Recreation, Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Finance Diversity Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

REPORT
after second Reading

PASSAGE RECOMMENDED BY
COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE, DIVERSITY, EQUITY
and INCLUSION

FILED WITH COMMITTEE