

Ordinance No.1445-2019

Council Members Kazy, Keane and Kelley
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Utilities to employ one or more professional consultants to assess portions of the cathodic protection system, to design improvements to the entire cathodic protection system and oversee construction and installation of the improvements; determining the method of making the public improvement of constructing recommended improvements; authorizing the director to enter into one or more public improvement contracts or public improvement by requirement contracts.

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 Public Utilities 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 assess portions of the cathodic protection system not previously assessed, to design improvements to the entire cathodic protection system, and oversee construction and installation of the improvements to the entire system.

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

Section 2. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing improvements to approximately 28 miles of the cathodic protection system that has already been assessed for repair and located along Brookpark Road, Lake Avenue, North Park Road, South Belvoir Boulevard, and from Kirtland Pump Station to Baldwin Treatment Plant, (the "Public Improvement"), for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Public Improvement.

Section 3. That the Director of Public Utilities 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 Public Improvement, provided, however, that each separate trade and each distinct component part of the Public 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 on a unit basis.

Section 4. That under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing improvements to the remaining approximate 452 miles of the cathodic protection system not included in the Public Improvement (the "Public Improvement by Requirement Contract"), for the Division of Water, Department of Public Utilities, by one or more public improvement by requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the Public Improvement by Requirement Contract.

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Section 5. That the Director of Public Utilities 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 Public Utilities for the making of the Public Improvement by Requirement Contract, with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Public Improvement by Requirement Contract for a period not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. 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 6. That the Director of Public Utilities 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 7. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities 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 8. That the costs of the contract or contracts or other expenditures shall be paid from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, and shall also 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 9. That the cost of the contracts and other expenditures authorized shall be paid from Fund No. 52 SF 001 and from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose. (RQS 2002, RL 2019-103)

Section 10. 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.

GK:nl
11-18-19

FOR: Director Davis

