

Ordinance No. 71-2019

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

AN EMERGENCY ORDINANCE

To amend the title and Sections 4 and 5 of Ordinance No. 184-18, passed March 26, 2018, relating to applying for and accepting a grant from the U.S. Department of Homeland Security for the FY 17 Port Security Grant Program; to supplement the ordinance by adding new Sections 6, 7, 8, 9, 10 and 11 to add professional services, public improvement, and standard contracts, necessary to design and install security enhancements and upgrades to various lift bridges and any other agreements; and to renumber existing Sections 6 and 7 to new Sections 12, and 13.

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 title and Sections 4 and 5 of Ordinance No. 184-18, passed March 26, 2018 are amended to read as follows:

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Homeland Security of the FY 17 Port Security Grant Program; ~~authorizing the purchase by one or more requirement contracts of labor and materials needed~~ authorizing the Director of Public Works and/or Public Safety to enter into various written standard purchase and requirement contracts needed to provide security enhancements and upgrades to various lift bridges, including labor and installation, if necessary; ~~and determining the method of making the public improvement of installing security enhancements and upgrades to various lift bridges and professional services to design or otherwise implement the improvement; and authorizing agreements.~~

Section 4. That the Director of Public Works and/or Public Safety is authorized to make one or more written standard purchase and requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of ~~labor and materials needed to provide~~ security enhancements and upgrades to various lift bridges, including labor, ~~materials,~~ and installation, if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety and/or the Department of Public Works. 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 the costs of the requirement contract or contracts shall be paid from Fund No. 20 SF 568 and from the fund or funds to which are credited the grant proceeds accepted under this ordinance and the cash match 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 2. That the title and Section 4 and 5 of Ordinance No. 184-18, passed March 26, 2018, are repealed.

Section 3. That Ordinance No. 184-18, passed March 26, 2018, is supplemented by adding new Sections 6, 7, 8, 9, 10 and 11 to read as follows:

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Section 6. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of installing security enhancements and upgrades to various lift bridges (the "Improvement"), for the Departments of Public Works and/or Public Safety, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 7. That the Directors of Public Works and/or Public Safety is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis 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 on a unit basis.

Section 8. That the Directors of Public Works and/or Public Safety 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 Directors of Public Works and/or Public Safety 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 design or otherwise implement the Improvement.

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

Section 10. That the cost of the standard, public improvement and professional services contracts and other expenditures authorized shall be paid from Fund No. 20 SF 568, from the fund or funds to which are credited the grant proceeds received under this ordinance, and the cash match.

Section 11. That the Directors of Public Works and/or Public Safety is authorized to enter into any agreements necessary to implement the U.S. Department of Homeland Security of the FY 17 Port Security Grant Program accepted in this ordinance.

Section 3. That existing Sections 6 and 7 of Ordinance No. 184-18, passed March 26, 2018, are renumbered to new "Section 12" and "Section 13".

Section 4. 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.

RC:nl
1-7-19

FOR: Directors McGrath and Cox

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READ FIRST TIME on JANUARY 7, 2019 **REPORTS**
and referred to DIRECTORS of Public Safety, Public Works, Finance, Law;
COMMITTEES on Safety, Municipal Services and Properties, Finance

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

REPORT
after second Reading

PASSAGE RECOMMENDED BY
COMMITTEE ON
SAFETY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE