

# Ordinance No. 638-2019

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

## **AN EMERGENCY ORDINANCE**

Determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, ancillary recreation buildings, and other similar structures, on City-owned and City-leased park property, including site improvements and appurtenances; authorizing the Director of Public Works or Capital Projects, as appropriate; enter into one or more public improvement contracts for the making of the improvement; enter into one or more professional services and other contracts needed to implement the improvement; to apply for and accept grants and gifts; and authorizing the direct employment of the necessary labor, for the Department of Public Works and Office of Capital Projects.

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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, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, ancillary recreation buildings, and other similar structures, on City-owned and City-leased park property, including site improvements and appurtenances, for the Departments of Public Works and Capital Projects, 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, provided the City of Cleveland sells the bonds authorized by Ordinance No. 508-2019, passed April 29, 2019, the Director of Public Works or Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder 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 the

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contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 3. That under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving parks and playgrounds on City-owned and City-leased park property, including all site improvements and appurtenances necessary and incidental, for the Director of Public Works or Capital Projects, as appropriate, 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 4. That, provided the City of Cleveland sells the bonds authorized by Ordinance No. 508-2019, passed April 29, 2019, the Director of Public Works or Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder 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 5. That, provided the City of Cleveland sells the bonds authorized by Ordinance No. 508-2019, passed April 29, 2019 and under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of installing safety surfaces and play equipment at City-owned and City-leased park property and playgrounds, for the Departments of Public Works and Capital Projects, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

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Section 6. That, provided the City of Cleveland sells the bonds authorized by Ordinance No. 508-2019, passed April 29, 2019, the Director of Public Works and Capital Projects are 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 term to be determined by the Director of Public Works and Capital Projects , for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Departments of Public Works and Capital Projects. 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 7. That, provided the City of Cleveland sells bonds authorized by Ordinance No. 508-2019, passed April 29, 2019, the Director of Public Works or Capital Projects, as appropriate, is authorized to employ by contract one or more architects, landscape architects and engineers, or one or more firms of architects, landscape architects and engineers, necessary to implement this ordinance.

Section 8. That the selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Works or Capital Projects, as appropriate, from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Public Works or Capital Projects, as appropriate, for the purpose of compiling the list.

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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 Works or Capital Projects, as appropriate, and certified by the Director of Finance.

Section 9. That the Director of Public Works 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 10. That, provided the City of Cleveland sells the bonds authorized by Ordinance No. 508-2019, passed April 29, 2019, the Director of Public Works or Capital Projects, as appropriate, is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Chapter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for the improvements described in this ordinance, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the Director of Public Works 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 specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire terms. 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

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authorized under Codified Ordinance Sections 131.67 or 181.101, payable from the funds identified in this ordinance.

Section 11. That, provided the City of Cleveland sells the bonds authorized by Ordinance No. 508-2019, passed April 29, 2019, under Section 167 of the Charter of the City of Cleveland, it is determined to make the Improvement, including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized otherwise in this ordinance by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the Improvement which supplies and materials are not covered by the contract or contracts authorized otherwise in this ordinance, with a separate accounting for each Improvement made.

Section 12. 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 Director of Public Works 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 13. That the Director of Public Works or Capital Projects, as appropriate, is authorized to apply for and accept any gifts or grants from any public or private entity; and for this purpose from any public or private entity; and that the appropriate Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

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Section 14. That the cost of any requirement contract or requirement contracts or eligible expenditure shall be paid from Ordinance No. 508-2019, passed April 29, 2019, if the City sells such bonds and Fund Nos. 20 SF 552, 20 SF 558, 20 SF 561, 20 SF 565, 20 SF 572, 20 SF 577, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the requirement contracts, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the requirement contracts certified by the Director of Finance. The costs of any other contract or expenditure authorized by this ordinance shall be paid from the fund or funds which are credited the proceeds of the sale of bonds authorized by Ordinance No. 508-2019, passed April 29, 2019, if the City sells such bonds and Fund Nos. 20 SF 552, 20 SF 558, 20 SF 561, 20 SF 565, 20 SF 572, 20 SF 577, the fund or funds to which are credited grant funds or cash gifts received, any other funds deemed appropriate by the Director of Finance. (RQS 0103, RLA 2019-27)

Section 15. 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  
5-13-19

FOR: Directors Cox and Spronz

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

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**READ FIRST TIME on MAY 13, 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**

Recorded Vol. **106**

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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**

FILED WITH COMMITTEE