

**Ordinance No. 140-2019**

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

**An emergency ordinance determining the method of making the public improvement of repairing, constructing or installing roadways, bus pads, sidewalks, driveway aprons, curbs, brick streets, ADA-compliant curb ramps, minor bridge repairs and appurtenances, and asphalt resurfacing and asphalt crack sealing; authorizing the Director of Capital Projects to enter into one or more public improvement requirement contracts for the making of the improvement; authorizing the director to apply for and accept any gifts or grants; and authorizing any agreements, for a period not to exceed two years.**

**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 repairing, constructing or installing roadways, bus pads, sidewalks, driveway aprons, curbs, brick streets, ADA-compliant curb ramps, minor bridge repairs and appurtenances, and asphalt resurfacing and asphalt crack sealing, for the Division of Engineering and Construction, Office of 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.

**Section 2.** That, provided this Council authorizes and the City sells future bonds for the purposes that include the improvement authorized in this ordinance, the Director of Capital Projects 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 not to exceed two years 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 Division of Engineering and Construction, Office of 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 3.** That the Director of Capital Projects 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 is authorized to apply for and accept any gifts, grants or other funding for this purpose from any public or private entity and that the Director is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

**Section 5.** That the Director of Capital Projects is authorized to accept a cash contribution from public or private entities for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the improvement.

**Section 6.** That the Director of Capital Projects is authorized to enter into any agreement or agreements that are necessary to implement the improvement.

**Section 7.** That the costs of the contract or contracts shall be paid from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 586 and from the fund or funds to which are credited the proceeds of the sale of future bonds if authorized by this Council and sold by the City for a purpose which includes this improvement, 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. (RQS 0103, RLA 2019-1)

**Section 8.** 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 March 4, 2019.**

**Effective March 5, 2019.**