

Ordinance No. 202-2019

Council Members: Keane and Kelley (by departmental request)

An emergency ordinance determining the method of making the public improvement of constructing the Water Pollution Control Pavement and Drainage Improvement Project Phase II at 12302 Kirby Avenue; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to apply for and accept any grants from any public or private entity, including but not limited to, the Northeast Ohio Regional Sewer District Green Infrastructure Grant Program funding.

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 the Water Pollution Control Pavement and Drainage Improvement Project Phase II at 12302 Kirby Avenue (the “Improvement”), for the Division of Water Pollution Control, 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 Improvement.

Section 2. That the Director of Public Utilities 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 3. 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 4. That the Director of Public Utilities is authorized to apply for and accept one or more grants from various public or private entities to make the Improvement; including but not limited to, a grant from the Northeast Ohio Regional Sewer District (“NEORS”) for Green Infrastructure Grant funding for permeable pavement necessary to implement a portion of the Improvement; that the Director is authorized to file all papers and execute all documents necessary to receive the NEORS funds, or any other grant funds received under this ordinance; and that the funds are appropriated for the purposes described in this ordinance.

Section 5. That the Director of Public Utilities is authorized to enter into any agreements necessary to implement this ordinance.

Section 6. That the cost of the contract or contracts and other expenditures authorized shall be paid from Fund Nos. 54 SF 001, 54 SF 400, from the fund or funds to which are credited the proceeds of the sale of future bonds, if issued for this purpose, from the fund or funds to which are credited the NEORSD Green Infrastructure Grant Program funds, from the fund or funds to which are credited the proceeds from any grant received for this purpose; and/or from any funds approved by the Director of Finance, Request No. RQS 2003, RLA 2019-9.

Section 7. 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 18, 2019.

Effective March 19, 2019.