

Ordinance No. 744-2024

By Council Members Bishop and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

To amend the title and Sections 1, 5, 5a, 5b and 6 of Ordinance No. 683-2021, passed September 27, 2021, as amended by Ordinance No. 581-2024, passed June 3, 2024, and to supplement the ordinance by adding new Section 5d, relating to the Lakefront Pedestrian Bridge and authorizing contracts.

WHEREAS, Ordinance No. 683-2021, passed September 27, 2021, as amended by Ordinance No. 581-2024, passed June 3, 2024, authorized the Director of Capital Projects, among other things, to employ by contract or contracts one or more consultants or one or more firms of consultants to provide professional services necessary to implement the North Coast Connector Project, aka the Lakefront Pedestrian Bridge Connector to the Lakefront and other associated infrastructure (the “Project”); and

WHEREAS, the unique design, time, budgetary, or other material requirements of this project may benefit from the special coordination and expeditiousness possible by combining the performance of both the professional design services and the construction of one or more public improvements comprising the Project in a design-build contract with a single entity; and

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 1, 5, 5a, 5b and 6 of Ordinance No. 683-2021, passed September 27, 2021, as amended by Ordinance No. 581-2024, passed June 3, 2024, are amended to read as follows:

AN EMERGENCY ORDINANCE Authorizing the Director of Capital Projects to apply for and accept funding from the Ohio Department of Transportation for the preliminary alternative study of the Lakefront Pedestrian Bridge; authorizing the Director to apply for and accept gifts, grants, and other funding from other entities; to enter into contract with Osborn Engineering Company for traffic modeling and engineering services; authorizing other professional services agreements; determining the method of making the public improvement of constructing the bridge; and authorizing the Director to enter into one or more public improvement contracts for the making of the improvement or one or more design-build contracts; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes real property and easements.

Section 1. That the Director of Capital Projects is authorized to apply for and accept state funding from the Ohio Department of Transportation (“ODOT”) for the following infrastructure preliminary alternative study and design and engineering services for the construction of a land bridge and other associated

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infrastructure to support project development: CUY 2-15.26 – Lakefront Pedestrian Bridge Connector to the Lakefront ~~(the “Project”)~~ component of the Project; 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 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 for the Project ~~and for the Improvement described below~~, to implement various public improvements necessary and appropriate to create safe vehicular, pedestrian and multi-modal connectivity between downtown Cleveland and the lakefront and to improve and/or construct roadways to safely convey all modes of transport and other services needed to implement the North Coast Connector Project aka the Lakefront Pedestrian Bridge Connector Project, including but not limited to construction of a non-vehicular bridge connecting Mall C to the Lakefront; the partial reassignment of State Route 2 between West 3rd Avenue and Interstate 90 from limited access to local access roadway; the reconfiguration of State Route 2; the addition of an intersection and roadway for the 18th Street extension; Port Road relocation; removal, installation and/or construction of all other improvements including, drainage upgrades, utility relocation; installation of curb, sidewalk, driveways, pedestrian, bicycle, and multi-modal paths/trails, traffic and pedestrian signaling, signage, markings, and all other appurtenances necessary for completion of the Project.

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

Section 5a. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public ~~improvement~~ improvements of the Lakefront Pedestrian Bridge and other associated infrastructure (“Improvement”) Project 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 5b. That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the public improvements comprising the Project with the lowest responsible bidder or bidders 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 contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 6. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record for right-of-

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way purposes any real property including but not limited to gift, fee simple acquisitions, temporary easements, and permanent easements and work agreements necessary to complete the Project. The consideration to be paid for the property and easements shall not exceed fair market value to be determined by the Board of Control.

Section 2. That the existing title and Sections 1, 5, 5a, 5b and 6 of Ordinance No. 683-2021, passed September 27, 2021, as amended by Ordinance No. 581-2024, passed June 3, 2024, are repealed.

Section 3. That Ordinance No. 683-2021, passed September 27, 2021, as amended by Ordinance No. 581-2024, passed June 3, 2024, is amended by adding new Section 5d to read as follows:

Section 5d. That, as an alternative to Sections 5a and 5b of this ordinance, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of designing and constructing one or more components of the Project, for the Office of Capital Projects, by one or more design-build contracts duly let to one or more persons, firms, or corporations or any combination of them submitting the best proposal, taking into consideration the engineering and design, the construction method, the proposed design and construction costs, the total life-cycle costs, the schedule, qualification of the proposed design professional and construction firm or firms, the community benefits offered, and the risks and the objectives of the particular public improvement and the Project.

The selection of the person, firm, or corporation to design and construct the Project shall be made by the Board of Control on the nomination of the Director of Capital Projects from a list of qualified and available persons, firms, or corporations, as may be determined by the Director of Capital Projects after making a full and complete canvass for the purpose of compiling the list. The Board of Control shall fix the total compensation to be paid for all design and construction and procurement necessary for the Project. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Capital Projects, and certified by the Director of Finance.

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.

JBM:nl
7-10-2024
FOR: Director DeRosa

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REPORT
after second Reading

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READ FIRST TIME on JULY 10, 2024

REPORTS

and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Finance Diversity Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

PASSAGE RECOMMENDED BY
COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
**FINANCE, DIVERSITY, EQUITY
and INCLUSION**

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