

RESOLUTION NO. 140-2024(PD), *First Reading*

By Mayor Seren

A Resolution authorizing the Mayor to enter into an agreement with TEMA Roofing Services, LLC ("TEMA") for design and construction services for the public improvement of replacing the roof of the Cain Park Amphitheater; providing compensation therefor; and declaring the necessity that this legislation be effective immediately as an emergency measure.

WHEREAS, the conditions of the Amphitheater's roof are deteriorating and necessitate replacement with a new roof; and

WHEREAS, this Council appropriated \$2,400,000.00 of funding received through the American Rescue Plan Act of 2021 ("ARPA") to provide for improvements to Cain Park facilities, which include roof repairs that are only eligible under the "Revenue Replacement" ARPA Expenditure Category, through the passage of Ordinance 179-2023;

WHEREAS, Section 9.48 of the Ohio Revised Code authorizes political subdivisions to participate in cooperative purchasing programs without obtaining competitive bids; and

WHEREAS, The Interlocal Purchasing System ("TIPS") is a nationwide purchasing cooperative commissioned by the Texas state legislature and TEMA is an approved TIPS vendor/participant; and

WHEREAS, time is of the essence with respect to contracting for this improvement due to the seasonal nature of roofing work and fund obligation deadlines imposed by the American Rescue Plan Act of 2021 ("ARPA"); NOW, THEREFORE

BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The Mayor is hereby authorized to take all actions and execute any documents necessary for the City of Cleveland Heights to join/register with TIPS and to execute an agreement with TEMA Roofing for the replacement of the Cain Park Amphitheater roof, substantially in accordance with the TEMA proposal attached hereto as Exhibit "A" and on file with the Clerk of Council, for an amount not to exceed Four Hundred Thirty-Two Thousand, Eight Hundred Dollars and 00/100 (\$432,800.00). Requirements for competitive bidding or other requirements under Chapter 171 of the Cleveland Heights Codified Ordinances are waived to the extent inconsistent herewith. All contracts hereunder shall be in a form approved by the Director of Law.

SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

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SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to complete all work while weather permits while obligating the ARPA funds appropriated for the improvements by December 31, 2024.



TONY CUD
President of Council



ADDIE BALESTER
Clerk of Council

PASSED: August 5, 2024

Presented to Mayor: 08.08.2024

Approved: 08.15.2024



KAHLIL SEREN
Mayor