

ORDINANCE NO. 266-2024(CRR), *First
Reading*

By Mayor Seren

An Ordinance authorizing the Mayor to execute a design-build contract with The AKA Team, Inc. for the Cain Park Restrooms Renovation Project and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, on November 19, 2024, this Council adopted Ordinance 222-2024, which authorized issuance of a Request for Qualifications (RFQ) from design-build firms for the Cain Park Restrooms Renovation Project and the establishment of a deadline for the receipt and review of qualifications; established a process for award of such design-build contract through a staff recommendation following the review of qualifications received; and provided for a subsequent Council Ordinance to authorize a contract with the recommended firm; and

WHEREAS, pursuant to Ordinance 222-2024 the City established a deadline of December 10, 2024 for submission of qualifications in response to the RFQ, posted the RFQ on its website, and otherwise provided notice of the RFQ; and one design-build firm, The AKA Team, Inc., timely submitted qualifications; and

WHEREAS, City staff has reviewed the qualifications submitted by the AKA Team, Inc., has interviewed representatives of the firm's design-build team, has determined the firm to be reputable and qualified to provide design-build services for the City and, with the Mayor, now recommends that the City enter into a design-build contract with The AKA Team, Inc.; and

WHEREAS, the amount available for the Project is \$475,839.28, consisting of ARPA funds, which, under ARPA, must be obligated through execution of a contract not later than December 31, 2024.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council finds and declares that as a Home Rule Charter municipality the City of Cleveland Heights is authorized to determine the process used to select and engage a design-build contractor, as an exercise of its powers of local self government pursuant to Article XVIII, Section 3 of the Ohio Constitution and Article II of the City's Charter, without regard to the provisions of the Ohio Revised Code, which process the City determined in Ordinance 222-2024 and this Ordinance.

SECTION 2. Pursuant to the authority referenced in Section 1 hereof, and notwithstanding any provision of Chapter 171 of the City's Codified Ordinances, which

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provisions are waived to the extent inconsistent herewith, the Mayor is hereby authorized to execute a design-build contract with The AKA Team, Inc. for the Cain Park Restrooms Renovation Project, not to exceed \$475,839.28, and to sign such other documents as may be necessary in connection with such contract, all subject to the final approval of the Director of Law.

SECTION 3. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights, or by posting the full text of this Ordinance on the City of Cleveland Heights website.

SECTION 4. It is necessary that this Ordinance become immediately effective as an emergency measure necessary for the preservation of the public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to meet the December 31, 2024 deadline for obligation of ARPA funds. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.



TONY CUDA
President of Council



ADDIE BALESTER
Clerk of Council

PASSED: December 16, 2024

Presented to Mayor: 12/19/2024

Approved: 12/26/2024

KAHLIL SEREN
Mayor