

EMERGENCY

City of Cincinnati

AEP

An Ordinance No. 387

- 2022

EESW

**MODIFYING** Chapter 321, "Procurement and Disposal of Supplies, Services and Construction," of the Cincinnati Municipal Code by **AMENDING** Section 321-7, "Procurement Statutes Declared Inoperative" and **AUTHORIZING** the City Manager to engage in procurement processes for the Duke Energy Convention Center redevelopment and the Western Hills Viaduct.

WHEREAS, the City of Cincinnati has enacted a comprehensive competitive procurement process in Cincinnati Municipal Code Chapter 321 pursuant to its powers of local self-government; and

WHEREAS, the City now wishes to amend Section 321-7 to declare additional procurement related provisions of the Ohio Revised Code prospectively inoperative for City procurement; and

WHEREAS, the procurement for a construction manager at risk for the Western Hills Viaduct project has followed the applicable provisions of the Ohio Revised Code and is currently in process; and

WHEREAS, the terms of this ordinance are prospective and shall not impact or change the procurement of the construction manager at risk for the Western Hills Viaduct project; and

WHEREAS, the procurement of a construction manager at risk for the redevelopment of the Duke Energy Convention Center has not begun and the City desires to apply its procurement process, not the state's process, for this project; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That existing Section 321-7, "Procurement Statutes Declared Inoperative," is hereby amended to read as follows:

**Section 321-7. - Procurement Statutes Declared Inoperative.**

Ohio Revised Code Sections 9.31, 9.331, 9.332, 9.333, 9.334, 153.12, 153.13, 153.14, 153.44, 153.49, 153.50, 153.501, 153.502, 153.51, 153.52, 153.53, 153.54, 153.57, 153.571, 153.63, 153.66, 153.67, 153.68, 153.69, 153.691, 153.70, 153.71, 721.03, 721.15, 733.21, 733.22, 735.01, 735.02, 735.03, 735.05, 735.051, 735.06, 735.07, 735.074, 735.09, 3375.41, 4115.31, 4115.32, 4115.33, 4115.34, 4115.35 and 5555.66 are declared inoperative with respect to contracts of the City of Cincinnati.

Section 2. That existing Section 321-7, "Procurement Statutes Declared Inoperative," of the Cincinnati Municipal Code is hereby repealed.

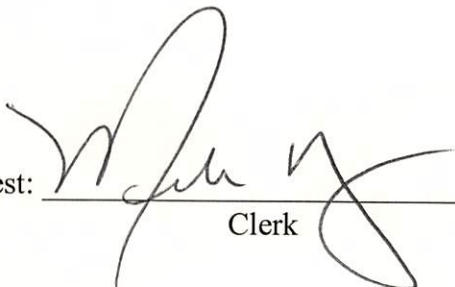
Section 3. That the City Manager and Chief Procurement Officer are hereby authorized to carry out a two-step RFQ-RFP or one-step RFP procurement for a construction manager at risk for the redevelopment of the Duke Energy Convention Center consistent with Cincinnati Municipal Code Sections 321-3 through 321-6 and 321-53 through 321-67.

Section 4. That the City Manager and Chief Procurement Officer are hereby authorized to continue to carry out all aspects of the procurement of a construction manager at risk for the Western Hills Viaduct project in partnership with the Ohio Department of Transportation and Hamilton County consistent with the provisions of Ohio Revised Code 9.331, 9.332, 9.333, 9.334, 153.501, 153.502, 153.571, 153.66, 153.67, 153.68, 153.69, 153.691, and 153.70, as applicable, notwithstanding the provisions of Section 1 of this Ordinance.

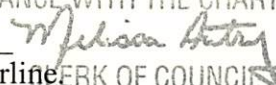
Section 5. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 4 hereof.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to proceed with procurement for the redevelopment of the Duke Energy Convention Center.

Passed: December 14, 2022

Attest:   
Clerk

  
Aftab Pureval, Mayor

387-2022  
I HEREBY CERTIFY THAT ORDINANCE NO. 387-2022  
WAS PUBLISHED IN THE CITY BULLETIN  
IN ACCORDANCE WITH THE CHARTER ON 12/27/2022  
  
MELISSA ASTRY  
CLERK OF COUNCIL

Deletions are indicated by strikethrough; additions are indicated by underline