

RESOLUTION NO. 2025-28

DETERMINING THE MANNER OF ENTERING INTO CERTAIN CONTRACTS FOR THE CONSTRUCTION, MAINTENANCE, REPAIR, FURNISHING, OR EQUIPPING OF PROPERTY AND APPROVING A COMPETITIVE SOLICITATION AND PROCUREMENT POLICY

WHEREAS, the "authorized purposes" of the Port of Greater Cincinnati Development Authority ("Port Authority") include activities that enhance, foster, aid, provide, or promote transportation, economic development, housing, recreation, education, governmental operations, culture or research throughout the City of Cincinnati, Ohio ("City") and the County of Hamilton, Ohio ("County") and other activities authorized within the State of Ohio ("State") by Article VIII, Sections 13 and 16 of the Ohio Constitution; and

WHEREAS, in support of such authorized purposes, the Port Authority may acquire and improve, and sell, lease, exchange or otherwise dispose of property, structures, equipment and facilities within the State for industry, commerce, distribution and research to and create and preserve jobs and employment opportunities and improve the economic welfare of the people of the State pursuant to and consistent with Article VIII, Section 13 of the Ohio Constitution, and may provide, or assist in providing, housing in the State for individuals and families to enhance the availability of housing in the State and improve the economic and general well-being of the people of the State pursuant to and consistent with Article VIII, Section 16 of the Ohio Constitution; and

WHEREAS, pursuant to Ohio Revised Code Section ("R.C.") 4582.31(A)(18)(e)(i) and except as otherwise provided in Ohio Revised Code Section 4582.31(A)(18)(e)(iii), any contract with a person or governmental entity that pertains to the acquisition, construction, maintenance, repair, furnishing, equipping, or operation of any real or personal property, or any combination thereof, related to, useful for, or in furtherance of an activity contemplated by Section 13 or 16 of Article VIII, Ohio Constitution (the "Work"), may be made in such manner and subject to such terms and conditions as may be determined by this Board; and

WHEREAS, on September 7, 2016, this Board exercised its authority under R.C. 4582.31 to adopt procurement practices by approving Resolutions 2016-20 and 2016-21, governing The Port's industrial and neighborhood strategies, respectively, and providing a level playing field for all interested and qualified contractors while promoting efficiency and helping to ensure that The Port's work in the City of Cincinnati and Hamilton County results in products of the highest quality to (i) attract and retain residents, employees, employers and private sector investment; (ii) create jobs and employment opportunities; (iii) promote industrial revitalization and brownfield remediation; and (iv) enhance the availability of housing that is affordable and accessible.

WHEREAS, The Port's procurement processes must support delivery of real estate outcomes that promote The Port's strategic objectives while providing transparency, equal

opportunity for contractors, encouragement of competition, and cost effectiveness – while maintaining The Port’s competitive edge in delivering services quickly and efficiently; and

WHEREAS, this Board determines that it is of the utmost importance to The Port and to the success of its mission that procurement policies be updated from time-to-time to successfully balance cost-effectiveness, speed of action, and quality service in performance of the Work; and

WHEREAS, this Board has determined that Port contracts may be entered into in the manner described in, and subject to the terms and conditions included in or established pursuant to the process described in, this Resolution, including Attachment A hereto, referred to herein as "Competitive Solicitation and Procurement Policy," as supplemental authority for entering into contracts pertaining to the Work ("Contracts") and for which procurement is not otherwise authorized consistent with Ohio law and actions and policies of this Board (including under Ohio Revised Code Section 4582 .31(A)(18)(b)); and

WHEREAS, this Board has determined and hereby finds that the Competitive Solicitation and Procurement Policy authorized by this Resolution may not apply to Contracts that are either (A) secured by or to be paid from moneys raised by taxation (or proceeds of obligations secured by a pledge of moneys raised by taxation) or (B) secured exclusively by or to be paid exclusively from the general revenues of the Port Authority;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Port of Greater Cincinnati Development Authority:

Section 1. This Board hereby adopts, confirms, and restates, as fully as if set forth in this Section 1, the recitals to this resolution, which are incorporated herein by reference as a statement of the findings and determinations of this Board, including as to the public purposes of the Port Authority in adopting the Competitive Solicitation and Procurement Policy.

Section 2. This Board hereby adopts and establishes the Competitive Solicitation and Procurement Policy, as further described in Attachment A and incorporated herein by reference. The Competitive Solicitation and Procurement Policy is effective as of the date of passage of this resolution, except as otherwise provided in Section 3.

Section 3. That the contracting authority under provided by this resolution is supplemental to, and is not in derogation of, any other contracting authority available under and consistent with Ohio law and actions and policies of this Board ("Other Contracting Authority"), and any Contracts for Work may be made either pursuant this policy or pursuant to any such Other Contracting Authority.

Section 3. The Competitive Solicitation and Procurement Policy adopted herein supersedes the policies set forth in Resolution 2016-20 and Resolution 2016-21, except for contracts that are not-yet-executed but have been procured consistently with those resolutions

prior to the effective date of this resolution.

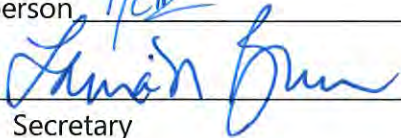
Section 4. This Board finds and determines that all formal actions of this Board and any of its committees concerning and relating to the adoption of this resolution were taken, and that all deliberations of this Board and of any of its committees that resulted in such formal action were held, in meetings open to the public, in compliance with the law.

Section 5. This resolution shall be in full force and effect upon its adoption.

Adopted:

Yeas: 7
Nays: 0

Chairperson: 

Attest: 
Secretary

