

Request For Information

Real Property Receiver

Court-appointed Overseer of Rehabilitation at 2962 S. Moreland

Pursuant to 2023-CVH-006315

December 1, 2023

I. DESCRIPTION

The City of Cleveland (“City”) seeks a party to oversee nuisance abatement (“Receiver”) at the structure owned by Nesvest LLC at 2962 S. Moreland, Cleveland, OH 44120 (“Property”). Once appointed by the Cleveland Municipal Housing Court (“Court”), the Receiver will carry out any and all necessary actions to bring the Property into compliance with the Cleveland Codified Ordinances relating to Building and Housing. This will be done independently of the City and the Court, but under the supervision of the Court. Prior to being selected, a party submitting information to the City through this Request for Information (“RFI”) shall be a Responder.

In selecting a Receiver, the City will follow the processes and deadlines set by the Court in (see judgment entry and order) to assess Offeror submissions and provide final candidate(s) for the Court’s consideration. All applications are due by (select date). (Attach copy of Court order).

THIS IS A REQUEST FOR INFORMATION ONLY. This RFI is issued solely for information and planning purposes. It does not constitute a Request for Proposal (“RFP”) or a promise to issue a RFP in the future. This RFI is not part of, and shall not be governed by, any formal municipal, state, or federal procurement process. Further, this RFI does not commit the City to select an individual, firm, or organization to serve as the Receiver or an associate thereof. The City may seek and solicit information regarding interested parties through means other than this RFI, including targeted solicitation of applicants to respond to this RFI. Responders are advised that the City and the Court will not pay for any information or administrative costs incurred in response to this RFI; all costs associated with responding to this RFI will be solely at the Responder’s expense.

II. Background

The City commenced nuisance abatement litigation against Nesvest LLC at the Property on June 9th, 2023. The Property has been in Court on numerous occasions over the past nine years under multiple owners. Nesvest LLC has not appeared in any action arising out of the Property since taking ownership of the Property, which has been vacant and condemned since the current action commenced.

On June 16, 2023, a Lis Pendens was placed on the Property to notify potential buyers of the action in Court. On January 12th, 2024 the Court issued a Preliminary Injunction declaring the Property a public nuisance pursuant to R.C. 3767.41(A)(2) and directed Nesvest, LLC to abate those conditions creating the nuisance at the property. At further hearing on February 13, 2024, the Court took testimony showing that Nesvest, LLC had failed to abate these conditions and that the property remains a public nuisance. Pursuant to controlling law, the City now seeks a qualified property manager to abate the nuisance conditions present at the Property.

III. Receiver's Duties and Responsibilities

The Court will appoint a Receiver to act as its agent in bringing the Property into compliance by abating all violations of the Cleveland Building Code and Cleveland Housing Code. The Receiver shall report regularly to the City by and through its Counsel as well as the Court each month and at subsequent hearings regarding the status of the Property. These duties shall be further outlined in the Order of the Court appointing a Receiver.

The Receiver is expected to use its expertise to abate the outstanding violations at the Property, either through direct action or through contracting with other parties. Preferably, the Responders to this RFI will include the identities of all parties that may work with the Receiver to abate these violations ("Contractors"). Failing that, the Receiver must make these Contractors known to the Court and the City prior to the commencement of work.

IV. Qualifications

Experience in the following areas may be useful, although lack of experience in any particular area will not disqualify a candidate.

- Previous experience renovating and restoring buildings in a Historic District;
- Experience overseeing large-scale renovations of multi-unit apartment buildings;
- Familiarity and/or professional relationships with multiple contractors across professions that may be required to draft plans and acquire permits;
- Experience renovating properties in the City and/or Cuyahoga County;
- Provision of regular reports regarding the status of a project and estimated times of completion;
- Coordinating with inspectors to provide timely closing inspections once permitted work is completed;
- Identifying defects or deficiencies in the Property that may constitute a Violation of the City's codes;
- If not self-financed, the ability to obtain appropriate financing, including through the Receiver's Mortgage process outlined in R.C. 3767.41(F)(9);
- Experience with obtaining Historic and/or Low-Income Tax Credits to facilitate further financing;
- Demonstrate sufficient capital on hand or the ability to obtain capital necessary to make necessary repairs and improvements as required to bring the Property into full compliance with all local and State building and housing codes.

- Experience petitioning the Landmarks Commission for building or demolition permits in the City; and
- Experience presenting information in court-style proceedings.

V. Scope of Work

The following description of the scope of work is non-exhaustive. A Responder must be prepared to abate, at least, the cited violations in the City's most recent Notice of Violation (NOV) to the Property. This Notice is attached. A prospective Responder may, with the City's permission, evaluate the Property prior to responding to this RFI to determine feasibility and evaluate whether the party believes more work will be required than is listed on the Notices of Violation. This evaluation will include the review of photographs and video from a City Building Inspector's inspection of the Property.

As noted in Section IV, the Property is in a Historic District, which requires the Receiver to restore the Property with particular attention to restoration. For more information on the requirements of renovating in a Historic District, see the information at: [Preservation \(clevelandohio.gov\)](http://preservation.clevelandohio.gov).

The scope of work will also include:

- Abatement of the violations captured in NoV V22010097, in the event that such conditions persist. This NoV is attached to this RFI.
- Abatement of the violations captured in NoV V22016944, in the event that such conditions persist. This NoV is attached to this RFI.
- Abatement of the violations captured in NoV V22019840, in the event that such conditions persist. This NoV is attached to this RFI.
- Abatement of the violations captured in NoV V23003191, in the event that such conditions persist. This NoV is attached to this RFI.
- Abatement of the violations captured in NoV V23004960, in the event that such conditions persist. This NoV is attached to this RFI.
- Abatement of the violations noted in 2022-CRB-006908 (Arising out of V22010097). The violation notice in this matter is attached to this RFI.
- Abatement of the violation noted in 2022-CRB-010861. This citation is attached to this RFI.
- Abatement of the violation noted in 2023-CRB-001772. This citation is attached to this RFI.

VI. Requested Information

The City requests that interested individuals, firms, or organizations submit information to assist the City in identifying potential candidates to serve as Receiver. Interested individuals or firms may provide a resume (if applicable) and a letter of interest describing their current or recent experience relevant to the qualifications outlined in Section IV. Please describe any areas of expertise in which you may want to retain additional assistance, such as desired sub-contractors. Please include a brief summary of each potential sub-contractor or other assistant's relevant background or experience, and attach a resume as well (if applicable). Please further describe any current access to sufficient funds necessary to complete the scope of work described above, including but not limited to relationships with local financial institutions, existing available capital, commercial lines of credit, or other funding sources.

Candidates considered for Receiver or as an assistant to the Receiver must disclose any actual or potential conflicts of interest.

VII. Information Response as a Public Record

Under the laws of the State of Ohio, all parts of the information response, other than trade secret or proprietary information, may be considered a public record which, if properly requested, must be made available by the City to the requester for inspection and copying. Additionally, the City or the Court may choose to share all or some of the submissions with the public. Therefore, to protect trade secret or proprietary information, the responder should clearly mark each portion of each page – but only that portion of each page – of its information response that contains such information. The City will notify the responder if such information is requested, and will make every attempt to protect trade secret or proprietary information by citing to the applicable exemption in Ohio's Public Records Laws.

Blanket marking of the entire information response as “proprietary” or “trade secret” is not acceptable and will not protect the entire response unless each part of the entire response is in fact trade secret or proprietary information. The City is not obligated to protect information that is obviously not a trade secret, obviously not proprietary, and obviously public, even if labeled as such. Upon submission of an information response that contains clearly marked trade secret or proprietary information, the responder is agreeing to defend and indemnify the City against any lawsuit or claim that the City improperly withheld a public record based upon the responder marking it as a trade secret or proprietary information.

Letters of interest should be submitted as soon as possible in electronic format, preferably by PDF, to the City as follows.

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