

Ordinance No. 1494-2025

Desk copy prepared for 12-1-25 meeting

AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of designing and constructing Local Renewable Power Projects for the Division of Cleveland Public Power; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvements; enter into one or more professional service contracts and other contracts needed for the making of the improvements; to apply for and accept gifts and grants; and authorizing the direct employment of the necessary labor, for the Department of Public Utilities, for contracts executed no later than December 31, ~~2030~~ 2027.

WHEREAS, the Department of Public Utilities Division of Cleveland Public Power, seeks to develop a Local Renewable Power Projects which include, but are not limited to, solar, wind, and battery (the "Improvement" or "Improvements"); and

WHEREAS, the Division of Cleveland Public power is seeking additional funding opportunities and tax credits to use towards the implementation of the Projects; and

WHEREAS, the unique design, time, budgetary, or other material elements may benefit from the special care, coordination, and expeditiousness possible by combining the performance of both the professional design services and the construction under one or more design-build contracts with a single entity; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the Improvements for the Department of Public Utilities by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for each project or project within the Improvement.

The Director of Public Utilities is authorized to enter into one or more contracts for the making of the Improvements with the lowest responsible bidder or bidders after competitive bidding for a gross price for each Improvement, provided, however, that each separate trade and each distinct component part of the Improvements may be

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treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement. The contract or contracts shall be executed no later than December 31, ~~2030~~ 2027.

Section 2. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services for the Improvements. The contract or contracts shall be executed no later than December 31, ~~2030~~ 2027.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities and certified by the Director of Finance.

Section 3. That, alternatively to Sections 1 and 2 of this ordinance, under Section 167 of the Charter of the City of Cleveland, this Council determines to make one or more of the Improvements for the Department of Public Utilities by one or more design-build or engineer-procure-construct contracts duly let to the person, firm, or corporation or combination of them submitting the best proposal, taking into consideration the engineering and design, the construction method, the proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional and construction firm, the community benefits offered,

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and the objectives of the Improvement. The contract or contracts shall be executed no later than December 31, ~~2030~~ 2027.

The selection of the person, firm, or corporation to design and construct each Improvement shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified and available persons, firms, or corporations, as may be determined by the Director of Public Utilities, after making a full and complete canvass for the purpose of compiling the list. The Board of Control shall fix the total compensation to be paid for all design and construction and procurement necessary for each Improvement. The contract or contracts shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 4. That the Director of Public Utilities is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 5. That the Director of Public Utilities is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a term to be determined by the Director of Public Utilities to procure each or all of the items comprising the necessary supplies and materials, equipment and services for the Improvements, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the entire term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. Notwithstanding the provisions of Section 181.101 of the Codified Ordinances of

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Cleveland, Ohio, 1976, to the contrary, nothing shall prohibit purchases described in this section from being procured under an existing or future requirements contract authorized under Codified Ordinances Section 181.101 payable from the funds identified in this ordinance. The contract or contracts shall be executed no later than December 31, ~~2030~~ 2027.

Section 6. That under Section 167 of the Charter of the City of Cleveland, it is determined to make the Improvements which are not covered by the contract or contracts authorized otherwise in this ordinance, by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the Improvements which supplies and materials are not covered by the contract or contracts authorized otherwise in this ordinance, with a separate accounting for each Improvement made.

Section 7. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 8. That the Director of Public Utilities is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity; and that the director is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance. The Director of Public Utilities shall notify this Council, through its Clerk, of any funds accepted under the authority of this section, on receipt of such funds.

Section 9. That the cost of any requirement contract or contracts shall be paid from Fund No. 58 SF 001 and recovered from the Power Supply Recovery charge

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pursuant to Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, and shall also be charged against the proper appropriation accounts, and the Director of Finance shall certify the amount of any purchase under the requirement contracts, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued under the requirement contract and certified by the Director of Finance.

Section 10. That the costs of any other contract or eligible expenditure shall be paid from Fund No. 58 SF 001 and recovered from the Power Supply Recovery charge pursuant to Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, and the fund or funds to which are credited grant funds or cash gifts received. (RQS 2004, RLA 2025-136)

Section 11. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

GB:nl
11-17-25

FOR: Director Keane

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REPORT
after second Reading

An Emergency Ordinance determining the method of making the public improvement of designing and constructing Local Renewable Power Projects for the Division of Cleveland Public Power; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvements; enter into one or more professional service contracts and other contracts needed for the making of the improvements; to apply for and accept gifts and grants; and authorizing the direct employment of the necessary labor, for the Department of Public Utilities, for contracts executed no later than December 31, 2030.

READ FIRST TIME

REPORTS

and referred to

by the council

CITY CLERK

READ SECOND TIME

by the council

CITY CLERK

READ THIRD TIME

by the council

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ Page _____

Published in the City Record _____

