

Ordinance No. 1274-2024

By Council Members Slife, Bishop, Kazy, and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of both designing and installing an on-site solar photovoltaic and battery energy storage-ready system at the Gunning Park Recreation Center; authorizing the Director of Capital Projects, on behalf of the Office of Sustainability, to enter into one or more contracts with Ameresco, Inc. for that purpose and also for operating and maintaining the system after installation; and authorizing the purchase of materials, equipment, supplies and services to implement the improvement.

WHEREAS, the unique design, time, budgetary, or other material elements of this project can benefit from the special care, coordination, and expeditiousness possible by performance of both the professional design services and the construction under a design-build approach contract 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 an on-site solar photovoltaic and battery energy storage-ready system at the Gunning Park Recreation Center (the “Improvement”), for the Office of Capital Projects, on behalf of the Office of Sustainability, by one or more guaranteed maximum price design-build or engineer-procure-construct contracts duly let to Ameresco, Inc., based upon its November 8, 2019 proposal, as revised by its May 20, 2020, July 24, 2020, January 20, 2023, and May 9, 2024, proposals, and as they may be further revised, to design and install the Improvement.

Section 2. That the Director of Capital Projects, on behalf of the Office of Sustainability, is authorized to enter into one or more contracts with Ameresco, Inc. to design and install the Improvement.

Section 3. That the Director of Capital Projects, on behalf of the Office of Sustainability, 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 services and work authorized by this ordinance.

Ordinance No. 1274-2024

Section 4. That the Director of Capital Projects, on behalf of the Office of Sustainability, is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the director, for the necessary items of materials, equipment, supplies, and services, needed to implement the Improvement, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Office of Capital Projects, on behalf of the Office of Sustainability. 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. In lieu of utilizing the authority in this ordinance, and notwithstanding any provisions of Codified Ordinances Section 181.101 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, or from being payable from the funds identified in this ordinance.

Section 5. That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 6. That the Director of Capital Projects, on behalf of the Office of Sustainability, is authorized to enter into one or more contracts with Ameresco, Inc., based upon its February 28, 2024 proposal, for the services, labor and materials necessary to operate and maintain the Improvement after installation (the “O&M Contract”), for a period of ten years with two options to renew for a period of ten years each, exercisable by the Director of Capital Projects.

Ordinance No. 1274-2024

Section 7 That under Section 108(b) of the Charter, the purchases and/or services authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Capital Projects, on behalf of the Office of Sustainability, may sign all documents that are necessary to make the purchases and/or obtain the services, and may enter into one or more contracts with vendors and/or consultants selected through that cooperative process.

Section 8. That funds consisting of proceeds, project revenues, savings realized from the Improvement, such as Inflation Reduction Act tax credits, future Renewable Energy Credits (RECs) revenue, and batteries may be deposited into Fund No. 10 SF 979.

Section 9. That the cost of the public improvement authorized in Section 1 of this ordinance shall be paid from Fund Nos. 20 SF 566, 20 SF 573, 20 SF 578, 20 SF 585, 20 SF 588, 20 SF 591, 20 SF 596, 20 SF 701, 20 SF 705, 20 SF 709, 20 SF 710, 20 SF 711, 20 SF 715, 20 SF 716, 20 SF 717, 20 SF 720 and from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose; and the cost of the O&M Contract authorized in in Section 6 of this ordinance shall be paid from Fund No. 10 SF 979. (RQS 0112, RLA 2024-124)

Section 10. 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.

JBM:VG:nl
11-18-2024
FOR: Director DeRosa

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REPORT after second Reading

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READ FIRST TIME on NOVEMBER 18, 2024

**and referred to DIRECTORS of Capital Projects, Finance, Law;
COMMITTEES on Municipal Services and Properties, Utilities,
Finance Diversity Equity and Inclusion**

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ Page _____

Published in the City Record _____

PASSAGE RECOMMENDED BY
COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
UTILITIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
**FINANCE, DIVERSITY, EQUITY
and INCLUSION**

FILED WITH COMMITTEE

