

Ordinance No.620-2026

Desk copy

AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of constructing solar power generation facilities; authorizing the Directors of Finance, Public Utilities and/or Port Control, as appropriate, to enter into one or more contracts for the making of the improvement; authorizing other contracts for the purchase of items or other services not covered under a public improvement; and to accept gifts, grants and other funding for the improvement.

WHEREAS, the City has received a grant in the amount of \$14,882,505.00 from the United States Environmental Protection Agency for the Climate Pollution Reduction program through the County of Cuyahoga and also has the opportunity to apply for Inflation Reduction Act and of Investment Tax Credits before they are phased out which can both be used for clean energy solutions and to install solar power generation facilities located within the City of Cleveland; and

WHEREAS, the City of Cleveland desires to develop solar power generation facilities that are functional and visually appealing through natural plantings and possible parks on property owned by the City of Cleveland and located within the City of Cleveland; and

WHEREAS, the City of Cleveland Departments of Public Utilities and Port Control either already own or may own, various parcels of real estate, the landfill located at W. 11th and Spring Road and the landfill located on Kolthoff Road, respectively, in which each Department will develop their own solar power generation facilities; and

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 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 designing and constructing solar

Ordinance No.

power generation facilities at the landfill located at West 11th and Spring Road and the landfill located on Kolthoff Road, or other alternative locations, if needed, within the City of Cleveland subject to the United States Environmental Protection Agency grant guidelines, including site improvements, which may include small parks, kiosks, plantings, and other nature-based improvements at the sites (the "Improvement"), for the Departments of Finance, Public Utilities and/or Port Control, as appropriate (the "Appropriate Department"), by one or more design-build contracts, or by combining construction management services, professional design services, and construction services in one or more construction-management 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 delivery method, the proposed design and construction costs, the schedule, the total life-cycle costs, the qualifications of the proposed design professional and construction firm or firms, and community benefits offered, and the other objectives of the Improvement.

The selection of the person, firm, or corporation to design and construct the Improvement shall be made by the Board of Control on the nomination of the Director of Finance, Public Utilities and/or Port Control, as appropriate (the "Appropriate Director") from a list of qualified and available persons, firms, or corporations, as may be determined by the Appropriate Director 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 the Improvement. The contract or contracts shall be prepared by the Director of Law, approved by the Appropriate Director, and certified by the Director of Finance.

Section 2. That, as an alternative to Section 1 of this ordinance, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public

Ordinance No.

improvement of constructing the Improvement, or any component part of the Improvement not covered by Section 1 of this ordinance, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

The Appropriate Director is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be 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 Appropriate Director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

Section 3. That, as an alternative to Section 1 of this ordinance or for any professional services not covered under Section 1 of this ordinance, the Appropriate Director is authorized to employ by contract or contracts one or more consultants and/or other professionals or one or more firms of consultants and/or professionals for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary for the Improvement, including but not limited to, one or more environmental, engineering, geotechnical, construction inspection, construction management services, and other related services including those to support grant-program related work, if not obtained under Section 1 of this ordinance.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Appropriate Director from a list of qualified consultants available for employment as may be determined after a full and complete canvass by

Ordinance No.

the Appropriate Director 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 Appropriate Director, and certified by the Director of Finance.

Section 4. That the Appropriate Director 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 Appropriate Director 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 Appropriate Director, for the materials, equipment, supplies and services not obtained under Section 1 of this ordinance, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Appropriate Department. 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.

Section 6. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Appropriate Director is authorized to enter into one or more management agreements, or such other agreements as are appropriate for operation and management of the solar power generation facilities constructed under this ordinance, on the basis of competitive proposals, for a period of ten years with two options to renew exercisable by the Appropriate Director. The selection of the contractor shall be made by the Board of Control upon the nomination of the appropriate Director. The agreements shall be prepared by the Director of Law

Ordinance No.

and shall contain additional terms and conditions as the Appropriate Director deems necessary to protect and benefit the public interest.

Section 7. That the Appropriate Director is authorized to apply for and accept one or more grants in the amount up to \$14,882,505.00 and any other funds that may become available during the grant term from the County of Cuyahoga for the Improvement; that the Appropriate Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant or grants; and that the funds are appropriated for the purposes described in the Legislative Summary for the grant or grants contained in the file described below.

Section 8. That the Legislative Summary for the grant or grants, File No. _____, made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be changed without additional legislative authority.

Section 9. That, in addition to the grant referenced above, the Appropriate Director is authorized to apply for and accept any gifts, grants, or other funding from any public or private entity for the purposes of this ordinance, including but not limited to, rebates, state and federal tax credits or offsets, awards, or other sources of funding, to implement this ordinance. The Appropriate Director is further authorized to file all papers and execute all documents, including agreements, necessary to receive the funding; and that the funding is appropriated for the purposes described in this ordinance. If required by a grant, the Appropriate Director is authorized to provide cash matching funds from funds approved by the Director of Finance, including future bond funds, if issued for that purpose.

Section 10. 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 Appropriate Director may sign all documents

Ordinance No.

that are necessary to make the purchases and/or obtain such services, and may enter into one or more contracts with the vendors and/or consultants selected through that cooperative process. That the Appropriate Director shall provide written notice to the Clerk of Council whenever any purchase is made under this section, which notice shall include the details of any such cooperative purchases.

Section 11. That the Appropriate Director is authorized to enter into agreements with the County of Cuyahoga, the City of Painesville, and other entities to implement this ordinance.

Section 12. That the costs of the contract or contracts shall be paid from Fund Nos. 60 SF 004, 58 SF 001, the fund or funds to which are credited any gifts, grants, cash matches, or other funding accepted under this ordinance, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contracts, 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. The cost of any contract or contracts paid from Fund No. 58 SF 001 shall be recovered from the Power Supply Recovery charge pursuant to Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976. (RQS 0112, RLA 2026*06)

Section 13. 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
5-11-26

FOR: Directors Barrett, Keane and Francis

Ord. No.

REPORT
after second Reading

Mr.

AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of constructing solar power generation facilities; authorizing the Directors of Finance, Public Utilities and/or Port Control, as appropriate, to enter into one or more contracts for the making of the improvement; authorizing other contracts for the purchase of items or other services not covered under a public improvement; and to accept gifts, grants and other funding for the improvement.

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 _____

