

Ordinance No. 820-2022

By Council Members Bishop and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to accept a grant from the Northeast Ohio Public Energy Council for the NOPEC Energized Community Grant Program for various energy efficiency and City facility improvement projects; determining the method of making the public improvement of implementing the projects; authorizing the Director to enter into one or more contracts for the making of the public improvement; and authorizing one or more standard, requirement, professional services, or other contracts or agreements needed to implement this ordinance.

WHEREAS, the City of Cleveland (the “City”) is a member of the Northeast Ohio Public Energy Council (“NOPEC”) and, as part of the gas program, is eligible for one or more NOPEC Energized Community Grants; 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 the Director of Public Works is authorized to apply for and accept a grant in the approximate amount of \$250,000 from the Northeast Ohio Public Energy Council (“NOPEC”) to implement the NOPEC Energized Community Grant Program for various energy efficiency and City facility improvement projects, including but not limited to, installing HVAC improvements, building automation systems, LED lighting, insulation, possible solar photovoltaic implementations, electric vehicle charging stations, and other applicable energy projects (the “Improvements”); that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes described in the legislative summary for the grant contained in the file described below.

Section 2. That the legislative summary for the grant, **File No. 820-2022-A**, 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 3. That the Director of Public Works shall deposit the grants accepted under this ordinance into a dedicated energy fund or other funds designated by the Director of Finance to implement this ordinance as described in the file and are appropriated for that purpose.

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Section 4. 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 Works by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvements.

Section 5. That the Director Public Works 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 on a unit basis for the Improvements, provided, however, that each separate trade and each distinct component part of the Improvements 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 on a unit basis.

Section 6. That the Director of Public Works 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 7. That notwithstanding and codified ordinance to the contrary, the Director of Public Works is authorized to enter into one or more license agreements with one or more vendors, based on competitive proposals to implement any portion of the Improvements, for a period not to exceed the grant term. The selection of the vendors or vendors shall be made by the Board of Control on the nomination of the Director of Public Works and Chief of Sustainability. That the license agreement(s) shall be prepared by the Director of Law, shall provide that the installation of any items for the Improvements shall conform to the plans and specifications first approved by the appropriate City officials and that the vendor shall obtain all other required permits, including but not limited to building permits, before installing the structures on City property and shall contain such other terms and conditions to protect and benefit the public interest.

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Section 8. That the license agreement(s) shall reserve to the City reasonable right of entry to the locations, and shall require that the vendor remove the structures and restore the property to its original condition upon revocation or termination of the license agreement(s).

Section 9. That the Director of Public Works 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 necessary to implement the Improvements.

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

Section 10. That the Director of Public Works 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 of Public Works, for the necessary items of materials, equipment, supplies, and services necessary to implement any portion of the Improvements not being installed through the public improvement contract authorized above, including labor and materials if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Works. 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.

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Section 11. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Works 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 12. 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 13. That the costs of any public improvement, professional services, standard, or other contracts, except requirement contracts described in Section 12 of this ordinance, authorized by this ordinance shall be paid from the fund or fund to which the proceeds or the grants are credited, and any other fund or funds approved by the Director of Finance.

Section 14. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 15. 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.

KR:nl
8-10-2022
FOR: Director Williams

By Council Members Bishop and Griffin (by departmental request)

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READ FIRST TIME on AUGUST 10, 2022

REPORTS

**and referred to DIRECTORS of Public Works, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Finance Diversity Equity and Inclusion**

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **109** Page _____

Published in the City Record _____

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

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE
