

Ordinance No. 332-2024

By Council Members Bishop and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects, on behalf of the Office of Sustainability, to apply for and accept a grant from the United States Department of Energy for the Energy Efficiency Conservation Block Grant Program; determining the method of making the public improvement of designing and constructing various types of energy efficiency improvements on up to six neighborhood resource and recreation centers; and authorizing the Director to enter into one or more contracts for the making of the improvement.

WHEREAS, as part of a larger initiative to strengthen existing recreation centers designated as emergency disaster centers, the Director of Capital Projects is authorized to design and construct various energy efficiency improvements on up to six neighborhood resource and recreation centers ('NRRCs') to ensure clean uninterrupted power, recreation center building envelope and systems tune-ups and other improvements; and

WHEREAS, the unique design, time, budgetary, or other material elements of the improvement described above 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 the Director of Capital Projects, on behalf of the Office of Sustainability, is authorized to apply for and accept a grant in the amount up to \$386,000, from the United States Department of Energy to conduct the Energy Efficiency Conservation Block Grant Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; 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. 332-2024-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. (RQS 0112, RLA 2024-36)

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Section 3. That the Director of Capital Projects, on behalf of the Office of Sustainability, is authorized to extend the term of the grant during the grant term.

Section 4. That the Director of Capital Projects, on behalf of the Office of Sustainability, is authorized to apply for and accept any gifts, grants, or other eligible funding from any other public or private entity to implement this ordinance; 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 the file.

Section 5. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of designing and constructing various energy efficiency improvements on up to six neighborhood resource and recreation centers (“NRRCs”) to ensure clean uninterrupted power, recreation center building envelope and systems tune-ups and other improvements (the “Improvement”), for the Office of Capital Projects, on behalf of the Office of Sustainability, 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 schedule, qualifications of the proposed design professional and construction firm or firms, the community benefits offered, the risks and the 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 Capital Projects, on behalf of the Office of Sustainability, from a list of qualified and available persons, firms, or corporations, as may be determined by the Director of Capital Projects, on behalf of the Office of Sustainability 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

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Director of Law, approved by the Director of Capital Projects, on behalf of the Office of Sustainability, 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 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, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, the Director of Capital Projects, on behalf of the Office of Sustainability, may make purchases under the grant agreement through cooperative arrangements with other governmental agencies. The Director of Capital Projects, on behalf of the Office of Sustainability, may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts shall be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

Section 8. That the costs of the contract or contracts or payments authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance, from the fund or funds to which are credited any grants, gifts, or other eligible funding received for this purpose, and from any other funds approved by the Director of Finance.

Section 9. 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.

PMA:nl
3-25-2024
FOR: Director DeRosa

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READ FIRST TIME on MARCH 25, 2024

REPORTS

**and referred to DIRECTORS of Capital Projects, 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

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

FILED WITH COMMITTEE

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FINANCE, DIVERSITY, EQUITY
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