

# Ordinance No. 740-18

**Council Members Keane, Brancatelli and Kelley (by departmental request)**

## **AN EMERGENCY ORDINANCE**

Authorizing the Director of Public Utilities, or other appropriate Director to apply for and accept grants, gifts, equipment, services, or other funding from public and private entities to facilitate citywide sustainability and energy management projects; authorizing purchase, professional services, public improvement, or other contracts to implement the projects.

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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 Finance, or other appropriate Director, is authorized to apply for and accept grants, gifts, or other funding from public and private entities for sustainability program-related projects until June 31, 2021, including but not limited to rebates, state and federal tax credits or offsets, awards, or other sources of funding, for sustainability program-related projects. Sustainability program-related projects include, but aren't limited to, the City's Sustainable Cleveland Municipal Action Plan, Climate Action Plan and Sustainable Cleveland initiatives, green infrastructure, energy and water efficiency, conservation, and renewable energy, sustainable transportation, outreach and education ("Sustainability Projects"). The appropriate Director is further authorized to file all papers and execute all documents necessary to receive the funds accepted under this ordinance, and upon acceptance of the funds by the Director, they shall be appropriated for Sustainability Projects. 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 2. That the appropriate Director is authorized to accept the gift of equipment and services necessary to implement Sustainability Projects from various public and private entities. The appropriate Director is further authorized to enter into one or more agreements to accept equipment and services and shall include, if necessary, terms that provide warranties to the City and indemnification of the City for infringement and other potential claims.

# Ordinance No. 740-18

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Section 3. That the appropriate Director shall deposit the gifts, grants, or other funding accepted under this ordinance into a fund or funds designated by the Director of Finance to implement Sustainability Projects and appropriated for that purpose.

Section 4. That the appropriate Director is authorized to make one or more written standard purchase contract and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the period of requirements to be determined by the appropriate Director, of the purchase or rental of the necessary items of materials, equipment, supplies, and services needed to implement Sustainability Projects, including labor and materials if necessary, to be purchased or procured 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. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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

Section 6. That the appropriate Director is authorized to employ by contract or contracts one or more consultants or computer software vendors or one or more firms of consultants or computer software vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services or acquire software necessary to implement the Sustainability Projects.

## Ordinance No. 740-18

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The selection of the consultants or computer software vendors for the services shall be made by 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 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 7. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing improvements to City facilities for energy efficiency and sustainability upgrades, including but not limited to, lighting, insulation and building envelope improvements, windows, HVAC upgrades, storm water installations, building automation systems, renewable energy installations, and all other similar projects, for the Department of Finance, or other appropriate Director, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 8. That the Director of Finance, or other appropriate Director, is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis 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 on a unit basis.

Section 9. That under Section 108(b) of the Charter, purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The appropriate Director may sign all documents with any government agency or political subdivisions that are necessary to make the purchases, and may enter into one more contracts with the vendors selected through that cooperative process.

# Ordinance No. 740-18

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Section 10. That the appropriate Director is authorized to enter into one or more contracts with agencies, entities, or individuals to implement the Sustainability Projects, including but not limited to, any third-party software license agreements necessary to implement the Sustainability Projects.

Section 11. That the Director of Finance, or other 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 12. That the grant or the non-grant revenue accepted under this ordinance shall be deposited into the Dedicated Energy Fund or other fund(s) designated by Director of Finance to implement Sustainability Projects which are established for these purposes, and the funds deposited into the Dedicated Energy Fund are appropriated for the purposes described in this ordinance.

Section 13. That the Director of Finance will send a report to the Clerk of Council and each member of City Council when a grant is awarded or gift received describing the details of how the funds will be used

Section 14. That the cost of any contract or contracts and other expenditures authorized in this ordinance shall be paid from the fund or funds to which are credited and gifts, grants, or other funding accepted under this ordinance, the Dedicated Energy Fund, existing and future bond funds if issued for this purpose, and any funds approved by the Director of Finance.

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.

CH:nl  
5-21-18

FOR: Director Dumas

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READ FIRST TIME on MAY 21, 2018  
and referred to DIRECTORS of Public Utilities, Finance, Law;  
COMMITTEES on Utilities, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

REPORT  
after second Reading

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
UTILITIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
DEVELOPMENT, PLANNING AND  
SUSTAINABILITY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE

FILED WITH COMMITTEE