

Ordinance No. 1039-2021

By Council Member Kelley
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Finance to employ one or more professional consultants to assist in preparing requests for proposals to procure electricity and natural gas service for City facilities for up to two years with two one-year renewal options; to employ energy suppliers and/or development firms to supply natural gas and electricity to City facilities; and to authorize one or more requirement contracts for the purchase of natural gas; for other related professional services and other agreements needed to implement this ordinance, for a period of up to ten years.

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 is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of up to ten years for the purchase of natural gas in the approximate amount as purchased during preceding terms, to be purchased by the Commissioner of Purchases and Supplies on a unit basis (per Mcf or Dth) for various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all City natural gas accounts as a single contract, or by separate contract for each or any combination of City natural gas accounts as the Board of Control determines.

Section 2. That the Director of Finance is authorized to employ by contract or contracts one or more energy suppliers and/or development firms to supply natural gas and to supply electricity for City buildings not serviced by Cleveland Public Power, for one or more consecutive periods not less than one (1) year each up to a total period or periods of ten years.

That the selection of the energy supplier and/or development firm or energy suppliers and/or development firms for the services shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified energy suppliers and/or development firms available for employment as may be determined after a full and complete canvass by the Director of Finance for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of

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Control. The contract or contracts authorized shall be prepared by the Director of Law, and approved and certified by the Director of Finance.

Section 3. That the Director of Finance 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 energy consulting services needed to assist in the preparation of one or more requests for proposals and/or bids to procure electricity and natural gas supply for City facilities including, but not limited to, account management, savings analysis, managing supplier rates, and utility tariff modification requests, and other related services, for a period of up to two years with up to two one-year options to renew.

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

Section 4. That the Director of Finance is authorized to enter into any professional services agreement authorized under Section 2, either for the City alone or jointly with other public entities by combining the energy load of the parties in order to secure better pricing and/or terms of service.

Section 5. That under Section 108(b) of the Charter, the purchases and services authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Finance 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.

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Section 6. That the Director of Finance is authorized to enter into any other agreements needed to implement this ordinance.

Section 7. 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 8. That the cost of the contract or contracts authorized in this ordinance, except the requirement contract, shall be paid from funds approved by the Director of Finance, including, specifically for energy consulting services, RQS 1501, RLA 2021-85.

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.

JBM:nl
11-15-2021
FOR: Interim Director Gentile

