



## Legislation Text

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**File #:** O-219-21, **Version:** 1

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DPS Energy Conservation & Facility Infrastructure Improvement Project-\$46,548,524  
Department of Public Service  
Megan Robson (x2306)/Paul M. Rasmusson (x7868)  
Revised

**Authorizing the Mayor to enter into an energy savings implementation contract with Leopardo Companies for energy conservation measures and facility infrastructure improvements; authorizing the appropriation and expenditure of an amount not to exceed \$43,788,342 from the Capital Improvement Fund, the appropriation and expenditure in the amount of \$760,182 from the General Fund and the expenditure of \$2,000,000 from the Toledo Municipal Court Expendable Trust Fund for the purpose of payment of total project costs; making certain findings with respect thereto; and declaring an emergency.**

### SUMMARY & BACKGROUND:

The city owns and operates 137 buildings. An initial evaluation of these buildings was completed by the Department of Public Service staff, and it has been determined that a majority of these buildings are outdated, in part obsolete, and in need of significant repairs and improvements, including improvements that will generate significant operational and energy savings and efficiencies. Eight buildings were selected for the initial project scope based on their age, structure and needs. Due to the large scope of the assessment and implementation of the Project and budgetary constraints, the city is unable to implement the project through the employment of direct labor. Pursuant to Ohio Revised Code 717.02, in March 2019, the Department of Public Service published a request for proposals seeking to identify qualified vendors who could assist the city in completing the upgrades while guaranteeing energy savings. After careful review and consideration of the responses received to the request for proposals, the city, pursuant to Ordinance 43-20, entered into a contract with Leopardo Companies to prepare an energy conservation report and proposal. On June 5, 2020 Leopardo Companies delivered to the city an energy conservation report and investment grade audit proposal for the installation of energy conservation measures. After review of the report, seven buildings were recommended for improvements. Additional energy savings measures were identified in the report related to LED upgrades of city-owned streetlights and implementation of an alternative fuel program for city vehicles. The project costs, to be paid from the Capital Improvement Fund, will be financed by a bond issuance authorized by separate companion legislation.

The fiscal impact of this Ordinance is as follows:

- The amount of funds requested: \$46,548,524
- The expenditure budget line item: 1001-26100-1147015STDSTD  
5040-26100-8CB2133ENGEFF  
2090-10800-3T02923STDSTD
- New revenue generated (operation of revenue, grants, if any):
- Revenue budget line item if any: N/A
- Are funds budgeted in the current fiscal year (yes/no?): No

- Is this a capital project (yes/no)?: Yes. Some components of the project will be capital
  - If yes, is it new or existing (new/existing)?: New
- What section of the City's Strategic Plan does this support;
  - Excellence and basic services: Yes
  - Quality community investment: Yes
  - Workplace culture and customer service: Yes
  - Environment (yes/no) Yes

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to enter into an energy savings implementation contract with Leopardo Companies for project management, construction, and implementation of the energy conservation measures and facility infrastructure improvements as identified in Exhibit "A" in an amount not to exceed \$46,548,524. Said contract shall contain additional terms and conditions subject to approval of the Director of Public Service and the Director of Law.

SECTION 2. That in accordance with Ohio Revised Code Section 717.02 this Council finds and determines that awarding the contract to Leopardo Companies to install the energy conservation measures is most likely to result in the greatest energy savings considering the cost of the project; and further finding that the amount spent on energy conservation measures is not likely to exceed the amount the city would save in energy, operating, maintenance, and avoided capital costs over the average system life of the energy conservation measures as specified in the Energy Conversation Report with the average system life of the energy conservation measures being 20 years.

SECTION 3. That the appropriation in an amount not to exceed \$43,788,342 is authorized from the unappropriated bond proceeds in the Capital Improvement Fund to Account Code 5040-26100-8CB2133ENGEFF and the expenditure in the same is authorized for the purpose specified in Section 1.

SECTION 4. That the appropriation in an amount not to exceed \$760,182 is authorized from the unappropriated balance of the General Fund to Account Code 1001-26100-1147015STDSTD and the expenditure of the same is authorized for the purpose specified in Section 1.

SECTION 5. That the expenditure of an amount not to exceed \$2,000,000 is authorized from the Municipal Court Expendable Trust Fund Account Code 2090-10800-3T02923STDSTD for the purpose specified in Section 1.

SECTION 6. That the Finance Director is authorized to issue her warrant or warrants against the Account Codes in Sections 3, 4 and 5 in an amount not to exceed \$46,548,524 in payment of the above authorized obligations upon presentation of properly approved voucher or vouchers.

SECTION 7. That this Council finds and determines that all formal actions of City Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of City Council and that all deliberations of City Council and any of its committees that result in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 8. That this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that the same is necessary for

the immediate preservation of the public peace, health, safety, and property and for further reason that the Ordinance must be immediately effective in order to promptly complete and realize for the savings from the energy conservation measures.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

\_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council