

AGREEMENT

This Agreement is between the CITY OF PORTLAND, OREGON (City), and PORTLAND ENERGY CONSERVATION, INC. (PECI).

RECITALS:

1. By Ordinance No. 148251, adopted August 15, 1979, the City Council adopted the Portland Energy Conservation Policy. Private sector implementation of the Policy is to be carried out by PEGI.

2. PEGI is a nonprofit corporation-organized under the laws of the State of Oregon, and was formed on December 17, 1979. The Articles of Incorporation for PEGI provide that the corporation is to carry out the private sector portions of the Portland Energy Conservation Policy.

3. City has available to it funds from the U.S. Department of Housing and Urban Development (HUD) under the Urban Development Action Grant (UDAG) program, created by Section 119 of the Housing and Community Development Act of 1974 (PL 93-383), as amended. The purpose of the grant is to assist implementation of the Portland Energy Conservation Policy.

4. In its grant application to HUD as amended by Council action April 30, 1980, City represented that certain funds allocated under the UDAG program would be disbursed to PEGI in order to carry out certain specified functions, all for the purpose of implementing the Portland Energy Conservation Policy.

5. In consideration of the mutual promises and covenants stated herein, the City and PEGI agree as follows:

A. City will disburse certain UDAG funds to PEGI according to a schedule to be developed later and agreed to in a formal written agreement between the City's Office of Planning and Development and PEGI, consistent with the terms of the UDAG Grant Agreement (UDAG Grant No. B-80-AA-41-0002) executed by the City and HUD.

B. PEGI will carry out only the following activities and programs enumerated in said UDAG Grant Agreement, or such other activities and programs assigned to it by Ordinance or other City Council directive consistent with said UDAG Grant Agreement, and specifically authorized in writing by the Secretary of HUD:

I. PEGI shall execute contracts and administer loan programs as prescribed in the approved "Lenders and Borrowers Administrative Notebook" to include the following:

A. 5% Below Market Rate Loan Program

PECI shall execute and administer agreements with participating local lenders to provide UDAG funds to reduce the effective monthly cost of weatherization loans for single family homes to the equivalent of five interest points below the normal market rate. These loans shall be administered as provided for in the approved "Lenders and Borrowers Administrative Notebook".

B. 8% Below Market Rate Loan Program

PECI shall execute and administer agreements with participating local lenders to provide UDAG funds to reduce the effective monthly cost of weatherization loans for low/moderate income multi-family structures to the equivalent of eight interest points below the normal market rate. These loans shall be administered as provided for in the approved "Lenders and Borrowers Administrative Notebook".

C. Multi-Family Audit Loan Program

PECI shall be responsible for implementation and administration of the Energy Audit Loan Program for multi-family structures as detailed in the approved "Lenders and Borrowers Administrative Notebook".

FURTHER, PEGI will develop, for Council approval, the terms, security, penalties and other details required in the administration of this loan program and will ensure that these details are included in the approved "Notebook".

D. Commercial Audit Loan Programs

PECI shall be responsible for implementation and administration of the Energy Audit Loan Programs for commercial buildings (small and large) as detailed in the approved "Lenders and Borrowers Administrative Notebook".

FURTHER, PEGI will develop, for Council approval, the terms, security, penalties and other details required in the administration of this loan program and will ensure that the details are included in the approved "Notebook".

E. Industrial Audit Loan Program

PECI shall be responsible for implementation and administration of the Energy Audit Loan Programs for industrial buildings as detailed in the approved "Lenders and Borrowers Administrative Notebook".

II. PEGI may use up to \$210,400 of UDAG funds for administration of the program, including the operation of a "One Stop Center". To this end, PEGI will:

- A. Obtain, improve as necessary, and maintain a facility to include staff offices, a conference room, and an area for exhibit of generic conservation materials.
- B. Hire the staff required to fulfill the terms of the "One Stop Center", as described below.
- C. Obtain other materials, equipment, assistance, and services required to fulfill the terms of this Agreement.

The "One Stop Center" shall serve as a clearinghouse for technical and general information about all aspects of energy conservation and weatherization. Among other things, the One Stop Center staff will answer any inquiries about energy conservation and weatherization, provide information and materials about the UDAG and other weatherization loan programs, and help citizens with all aspects of weatherization actions, from filling out loan papers to selecting a qualified contractor to perform the necessary work.

The Center will also maintain a comprehensive referral system to other firms and individuals who provide information, services, and/or equipment not available through the Center itself.

III. PECI may use up to \$240,000 of UDAG funds for a comprehensive marketing program to promote the Portland Energy Conservation Program. These funds will be used as follows:

- A. The primary purpose is to promote the retrofit of all existing structures throughout the City, particularly through the utilization of the UDAG-funded loan programs. The focus will be on informing the public of available assistance and of the benefits of weatherization in the consumer's specific situation.
- B. The secondary purpose is to inform the public of other (non-UDAG) assistance as well as of the benefits of other means of conserving non-renewable or limited sources of energy.

IV. PECI will develop criteria and procedures for certification of contractors and auditors. The criteria and procedures will be consistent with the processes and guidelines that are prescribed in the approved "Energy Audit and Weatherization Administrative Notebook".

V. PECI will develop a system for referring consumers to certified auditors and contractors that will give all firms equitable access to potential business.

- VI. Federal Labor Standards - PEGI will ensure that all contracts it enters into in carrying out its responsibilities under this Agreement are in compliance with the applicable Federal Labor Standards. It will continue to maintain file records of Weekly Certified Payroll on contracts awarded by the Corporation.
- VII. Equal Opportunity - PEGI will ensure that all contracts it enters into in carrying out its responsibilities under this Agreement are in compliance with the applicable Equal Employment Opportunity regulations. This will include as a minimum: maintain appropriate records; ensuring contractor compliance; and preparation of required records.
- VIII. Record Keeping and Reporting - The PEGI will maintain adequate records of activities in form and manner acceptable to the City. Status reports of all activities and other reports required by OPD, the City, and the Federal Government will be provided in a format acceptable to the City.
- IX. PEGI will comply with such other terms and requirements as are applicable to all parties contracting with the City that are mandated by Federal, State, or municipal law.
- X. Program Changes - The program may require changes throughout the year. Major budget changes which by regulation require approval of HUD, or by ordinance require approval of Council, shall be reported by PEGI to the City's Office of Planning and Development, who shall obtain the necessary approvals.
- XI. Minor adjustments which do not substantially alter the contract and which otherwise do not require Council or HUD approval will be authorized by the Commissioner-in-Charge, or OPD if he/she so designates.
- XII. This Agreement does not authorize PEGI to implement any of the mandatory provisions of the Portland Energy Conservation Policy.
- XIII. PEGI will provide the City with a monthly report detailing progress made on projects and activities. The reports shall be filed with Office of Planning and Development in a format determined mutually acceptable by the Office of Planning and Development and the Portland Energy Conservation, Inc.
- IX. Compliance with HUD Regulations - PEGI shall be responsible for ensuring that all expenditures of PEGI are in accordance with HUD regulations and the contract between the United States of America and the City.

DATED this _____ day of _____, 1980

APPROVED AS TO FORM:

CITY OF PORTLAND

City Attorney

By _____
Mayor

By _____
Auditor

PORTLAND ENERGY CONSERVATION, INC.

By _____

(Title)

ORDINANCE No. 149971

An Ordinance amending Contract 18697 between the City of Portland and Portland Energy Conservation, Inc. to provide language satisfactory to the U.S. Department of Housing and Urban Development for award of an energy conservation Urban Development Action Grant, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. On April 30, 1980 (Ordinance #149521), Council accepted a \$3,000,000 Urban Development Action Grant (UDAG) from the U.S. Department of Housing and Urban Development (HUD) to begin implementing the Energy Conservation Policy for Portland.
2. Ordinance #149521 also authorized a contract (#18697) between the City and Portland Energy Conservation, Inc. for implementation of a portion of this UDAG Program.
3. HUD has reviewed this contract as well as the other program materials and has requested that the contract language be amended to be more explicit.

NOW, THEREFORE, the Council directs:

- a. That the Mayor and Auditor are hereby authorized to execute an amended Contract #18697 between the City of Portland and Portland Energy Conservation, Inc., similar in format to the Agreement attached as Exhibit A. to this Ordinance.

Section 2. The Council declares that an emergency exists so that the City may meet federal deadlines and be eligible for a grant award without delay; therefore this Ordinance shall be in force from and after its passage by Council.

Passed by the Council. **JUL 3 1980**

Mayor McCready
DB:hm
June 26, 1980

Sergio F. Jhonson
Auditor of the City of Portland

as amended

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie		
Jordan		
Lindberg		
Schwab		
McCready		

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

Calendar No. 2386

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Title

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JUL 2 1980

CONTINUED TO JUL 3 1980

Filed JUN 27 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

Gordon Croell
Deputy

INTRODUCED BY
Mayor McCready

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration <i>More</i>
Safety
Utilities
Works

BUREAU APPROVAL
Bureau: Planning and Development
Prepared By: <i>Doug Butler</i> Date: 6-26-80
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: Cowles Mallory

CALENDAR
Consent Regular

NOTED BY
City Attorney
City Auditor
City Engineer