

MLGW Consent Agenda Committee Discussion



MLGW Committee
October 15th, 2024

Items for October 15th Agenda

Items approved by BOC on October 1st

1. Resolution approving a Lease Agreement with Apexus 6400 Shelby L.P. for approximately 15,000 square feet of warehouse space located at 6400 Shelby View Drive in the total funded amount of \$374,592.00. (SAME NIGHT MINUTES REQUESTED)
2. Resolution approving Change No. 2 to Contract No. 12302, Substation Engineering Services (Protection) with Fisher & Arnold, Incorporated to renew the current contract in the funded not-to-exceed amount of \$850,000.00.
3. Resolution approving Change No. 6 to Contract No. 12183, Synergi Gas Modeling Software Renewal with DNV-GL Noble Denton USA, LLC to ratify and renew the current contract in the funded amount of \$39,449.09.
4. Resolution awarding Contract No. 12540 Master Asphalt Paving Program (Section 2), to VuCon, LLC., in the Funded Amount of \$6,860,922.33. (SAME NIGHT MINUTES REQUESTED)
5. Resolution awarding Contract No. 12512. Master Asphalt Paving Program (Section 1 & 3), to Lehman Roberts Company, in the Funded Amount of \$9,412,639.00. (SAME NIGHT MINUTES REQUESTED)
6. Resolution awarding a sixty-month purchase order to Tate Computer Systems, Inc. for desktop and laptop equipment in the amount of \$2,501,460.50.
7. Resolution approving Change No. 10 to Contract No. 10927, Perpetual Licensing Agreement with Precisely Software, Incorporated (previously Pitney Bowes Software, Incorporated) to increase the contract value in the funded amount of \$189,187.20.

Lease Agreement

- Funded amount: \$374,592.00
- Award Duration: 3 Years
- Type of Bid: N/A
- Awarded to: Apexus
- LSB/MWBE Goal Assigned/Committed: No supplier diversity goal assigned or committed.
- Plain Language Description: Lease Agreement between Memphis Light, Gas and Water Division and Apexus 6400 Shelby L.P, a Delaware Limited Partnership for property located at 6400 Shelby View Drive containing 15,000 square feet of rentable area.
- Impact: This lease space is needed for Electric Substation Engineering & Operations to provide additional storage for cable reels, breakers, switches, etc. for high theft materials.

Substation Engineering Services (Protection)

- Funded amount: \$850,000.00
- Award Duration: Change No. 2 of 4 through November 20, 2025
- Type of Bid: RFQ
- Awarded to: Fisher & Arnold
- LSB/MWBE Goal Assigned/Committed: No supplier diversity goal assigned or committed.
- Plain Language Description: The need exists to provide additional professional engineering services to be used for: (1) work that we cannot perform in-house and (2) to supplement existing resources to assist in completing MLGW Way Forward and other system improvement projects. The increased amount in this renewal is also to support the Distribution Automation (DA) program for the conversion of electromechanical relays to microprocessor digital relays for all non-network substation feeders.
- Impact: Distribution Automation will reduce frequency of outages, and speed restoration times.

Synergi Gas Modeling Software Renewal

- Funded amount: \$39,449.09
- Award Duration: Renewal through July 31, 2025
- Type of Bid: Sole Source
- Awarded to: DNV-GL Noble Denton USA, LLC
- LSB/MWBE Goal Assigned/Committed: No supplier diversity goal assigned or committed.
- Plain Language Description: To allow DNV-GL Noble Denton USA, LLC, as a sole source provider to provide Synergi Gas Modeling software maintenance and support services to include the following licenses: Synergi Gas Steady State (2); Customer Management Module (1); Facilities Management Module (1); Unsteady State Module (1); and Model Builder Module (1).
- Impact: Synergi software is utilized by the Gas Engineering Department to identify, predict, and target operational challenges to ensure the daily efficiency of gas distribution and transmission networks.

Master Asphalt Paving Program

- Funded amount: \$6,860,922.33
- Award Duration: 1 Year
- Type of Bid: Sealed Bid
- Awarded to: VuCon, LLC.
- LSB/MWBE Goal Assigned/Committed: Yes, a 20% Supplier Diversity goal was assigned to this contract. The actual participation is 34.4% MBE - VuCon.
- Plain Language Description: To address and complete MLGW's street cut workload.
- Impact: This contract will allow MLGW to fill and permanently repair streetcuts for work presently underway, remove steel plates and barricades that have been in place and repair the street for work completed previously.

Master Asphalt Paving Program (Section 1 & 3)

- Funded amount: \$9,412,639.00
- Award Duration: 1 Year
- Type of Bid: Sealed Bid
- Awarded to: Lehman Roberts Company
- LSB/MWBE Goal Assigned/Committed: Yes, a 20% Supplier Diversity goal was assigned to this contract. The actual participation is 20% MBE- Perry Pavement.
- Plain Language Description: To address and complete MLGW's street cut workload.
- Impact: This contract will allow MLGW to fill and permanently repair streetcuts for work presently underway, remove steel plates and barricades that have been in place and repair the street for work completed previously.

Desktop and Laptop Equipment

- Funded amount: \$2,501,460.50
- Award Duration: 60 Months
- Type of Bid: Sealed Bid
- Awarded to: Tate Computer Systems, Inc.
- LSB/MWBE Goal Assigned/Committed: No Supplier Diversity goal set. However, it is 100%-Tate Computer Systems is a certified MBE and LSB.
- Plain Language Description: To replace the current outdated equipment which has reached the end of product life cycle
- Impact: To be installed in offices and issued to employees as a resource for them to use to complete their job duties.

Perpetual Licensing Agreement

- Funded amount: \$189,187.20
- Award Duration: Through August 31, 2025
- Type of Bid: Single Source
- Awarded to: Precisely Software, Incorporated
- LSB/MWBE Goal Assigned/Committed: No supplier diversity goal assigned or committed.
- Plain Language Description: To provide software maintenance, license, and support services for the EngageOne Application and Composition Engine.
- Impact: The purpose of this software is to create or change customer bills and letters.

Questions



A RESOLUTION ESTABLISHING A COMMITTEE TO HONOR CITY OF MEMPHIS EMPLOYEES WHO LOSE THEIR LIVES IN THE LINE OF DUTY

WHEREAS, the City of Memphis deeply values the service and sacrifice of all city employees, including those who dedicate their lives to the safety, wellbeing, and development of the City of Memphis; and

WHEREAS, in the unfortunate event that a City of Memphis employee dies while performing their duties, it is the responsibility of the City Council to ensure that such individuals are appropriately honored for their service and sacrifice; and

WHEREAS, it is of the utmost importance that the families and colleagues of these individuals know that the City of Memphis holds their contribution in the highest regard and stands in solidarity with them during times of grief; and

WHEREAS, a dedicated committee is necessary to ensure consistent recognition and to coordinate tributes that reflect the dignity and respect deserved by those who give their lives in service to the city; and

WHEREAS, a standing committee, herein referred to as the “Memphis City Council Memorial Committee” shall be formed to oversee and coordinate all actions necessary to honor City of Memphis employees who die in the line of duty; and

WHEREAS, the purpose of the committee is to ensure that formal tributes are arranged for including memorial ceremonies, moment of silence observances, and other appropriate recognitions. The City’s gratitude is visibly expressed through memorial signage, plaques, or other lasting forms of tribute. A written resolution honoring the individual is presented before the Memphis City Council; and

WHEREAS, the committee shall be composed of the Chairman of the Memphis City Council, the Vice Chair of the Memphis City Council, the Chair of the Public Safety and Homeland Security Committee of the Memphis City Council, an appointed liaison from both the Memphis Police and Fire Departments, an appointed representative from the Mayor’s Administration, and any additional stakeholders as deemed necessary by the Memphis City Council.

NOW, THEREFORE IT BE RESOLVED, the Memphis City Council hereby establishes the Memphis City Council Memorial Committee to pay tribute to those employees that have lost their lives in the line of duty.

Vice Chair

J. Ford Canale

A RESOLUTION TO AMEND THE INSURANCE FUND DISBURSEMENT PROCESS

WHEREAS, the Memphis City Council recognizes the critical importance of maintaining a fully operational and well-equipped fleet for the city's first responders, including police, fire, and emergency medical services; and

WHEREAS, the current insurance fund disbursement process allocates proceeds from claims related to first responder vehicles into a general fund, which may result in delays or inefficiencies in the repair or replacement of these essential vehicles; and

WHEREAS, the Memphis City Council seeks to ensure that all proceeds from insurance claims related to first responder vehicles are used directly and efficiently to maintain or enhance the fleet, thereby supporting the safety and effectiveness of our first responders; and

WHEREAS, it is in the best interest of the City of Memphis and its residents to expedite the process by which first responder vehicles are repaired or replaced following accidents or other incidents covered by insurance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL, that the insurance fund disbursement process is hereby amended to allow all insurance proceeds from claims involving first responder vehicles to be allocated directly to the Fleet Reserve Fund and that this provision regarding vehicles be applied across divisions to allow all insurance proceeds from claims to be allocated directly to the Fleet Reserve Fund.

BE IT FURTHER RESOLVED that this amendment shall take effect immediately upon its adoption, and the necessary adjustments to budgetary and financial procedures shall be made to ensure compliance with this resolution.

Sponsor:
Jerri Green
Philip Spinosa, Jr.

Chairman:
JB Smiley, Jr.

RESOLUTION TO AMEND THE MEMPHIS CITY COUNCIL COMMUNITY GRANT PROGRAM FOR FY25

WHEREAS, the Memphis City Council desires to promote community programming and improve neighborhoods; and

WHEREAS, Tenn. Code Annotated § 6-64-111, empowers the Memphis City Council to appropriate funds for the financial aid of nonprofit organizations working to promote the general welfare of Memphis residents; and

WHEREAS, nonprofit organizations and citizens work together to meet the needs of Memphians in need by extending the reach of City of Memphis Services; and

WHEREAS, The Memphis City Council recognizes nonprofit agencies as valued partners in the continuing efforts to improve the lives of Memphians; and

WHEREAS, it is important to the members of the Memphis City Council to prioritize funding specialized programs congruent with the needs of the City, the Memphis City Council will be cognizant of financial requests that exceed more than thirty percent of their total operating budget; and

WHEREAS, the Memphis City Council seeks to create a transparent process for the publication, application, and selection process for deserving nonprofit organizations within our City; and

WHEREAS, government grants are funded by tax dollars, so stringent compliance and reporting measures will be in place to ensure the money is well-spent; and

WHEREAS, the Memphis City Council wishes to reopen the Community Grant Program from October 16, 2024, to October 23, 2024, to allow nonprofit agencies to submit grant program applications; and

WHEREAS, if an FY25 Memphis City Council Community Grant Program application was previously submitted and deemed complete, nonprofit organizations are NOT required to reapply to be eligible for funding (see attached list of organizations with completed FY25 applications as of October 15, 2024); all nonprofit organizations not on the aforementioned list who meet eligibility requirements are invited to apply.

NOW, THEREFORE BE IT RESOLVED, that the Memphis City Council does hereby amend the Memphis City Council Community Grant Program for Fiscal Year 2025 (“FY25”) (July 1, 2024 – June 30, 2025), establishing a policy for meeting the needs of citizens and nonprofit requests for financial assistance as set forth below:

Nonprofit Organizations and Agencies working to improve the general welfare of citizens will have the opportunity to apply to the Memphis City Council Community Grant Program. The funding decisions of the Memphis City Council are final and subject to the availability of funds.

Eligibility

All applicants shall be a tax-exempt 501(c)(3) organization, with an official address listed within the City of Memphis, that has been in operation under its tax-exempt status for two years prior to the application. The organization must provide proof of current programming and successful track record in providing the services for which they are requesting funding within the City of Memphis. The nonprofit organization’s program should address one of the following City of Memphis priorities: Crime and Drug

Prevention, Youth Empowerment, Economic Development, and Poverty. The organizations must be in compliance with State requirements and show proof of current certification status. The funds shall only be used for public use and cannot be used for political activities, to support any election or campaign or political party; or to support any group or activity that discriminates based on race, color, religion, sex, national origin, disability, or age. The Memphis City Council will not award funding in an amount that exceeds more than fifty (50%) percent of an organization's expenses, as reported on the most recently filed and accepted IRS form 990EZ, 990-N, and 990.

The Council, at its discretion, can award a one-time allotment that exceeds the 50% threshold if the organization has a specific capital improvement need and will be able to enhance services as a result of the improvement.

Grant Workshop

All applicants for FY25 grant funding must attend a mandatory grant presentation workshop. The workshop will cover the necessary information and documentation required to successfully complete the grant application. At the conclusion of the workshop, applicants will receive a certificate of completion. This certificate must be uploaded with application materials for the application to be considered complete. Failure of a representative of the applicant organization to attend the workshop and submit the certificate in the application will disqualify the organization from applying for the FY25 grant program.

Application

All agencies requesting funding shall submit a complete application and presentation. Proof of nonprofit status and financial information must be submitted with an application along with a presentation that further clarifies the goals the organization intends to accomplish with their requested funds.

Only applications submitted during the application period or deemed complete from a previous application period in FY25 will be considered for a Memphis City Council Community Grant for FY25.

Applications and presentations shall be submitted online using a link on the Memphis City Council website.

Organizations are prohibited from applying or accepting grant funds on behalf of a separate organization. Applications must be made under the 501 (c) 3 organization seeking grant funding. Any organizations that accept grant funds on behalf of a separate organization will be disqualified and may be required to remit awarded funds to the City of Memphis.

The Community Grant Program is aimed at providing funding for programming that addresses Crime and Drug Prevention, Youth Empowerment, Economic Development, and Poverty. As such, applications with funding requests solely for personnel expenses will not be awarded funding.

Applications will be available October 16-October 23, 2024. All completed applications must be submitted and received by Wednesday, October 23, 2024, at 12:00 p.m.

Late or incomplete applications will not be submitted to Council Members for consideration for an FY25 grant if not received by the deadline. Organizations that submit a late or incomplete application must wait until the start of the FY26 Memphis City Council Community Grant Program to submit a new application to receive funding, with no exceptions.

Application Review

All applications will be reviewed by the Grants Administrator and Grants Office staff following the application deadline. The staff will review applications to ensure all eligibility criteria are met. The staff shall then submit the list of qualified agencies for City Council Review for grants during FY25. All applicants must submit **either** an IRS 501(c)(3) Determination Letter **or** a Certificate of Existence from the Tennessee Secretary of State, the organization's most recently filed and accepted IRS Form 990EZ, 990-N, or 990, the IRS Form W-9, and a complete presentation, using the template provided by the City Council at the time of application submission. The IRS filing submitted must be from tax year(s) 2021 to the most recent tax year to be accepted. Verification of tax filings must come from the IRS. Letters from tax preparers and other non-IRS documentation for tax verification purposes shall not be accepted.

The name of the organization listed on all documents and IRS filings must match the applicant's name. **If the applicant's name does not match the organization identified on the Charitable Organizations filing, including all IRS documentation and/or any documentation from the Secretary of State, the application will not be considered.** The staff will evaluate applications and presentations to ensure all applications are complete, address a public need, show proof of current nonprofit status, and a demonstrated history of community involvement. Priority will be given to first-time applicants.

All documentation will be reviewed and verified through the IRS website <https://www.irs.gov/charities-non-profits/annual-filing-and-forms>

If any information contained in the application does not match the information provided to the IRS, the application will be null and void, and the applicant may not re-apply until the next fiscal year (FY2026). If any application information is found to be fraudulent or inaccurate, the organization will be ineligible to receive funding in the current fiscal year and for the next three fiscal years (FY26, FY27 and FY28).

Budget Presentation

Upon request, applicants may be asked to present before Memphis City Council.

All agencies presenting before the Budget & Audit Committee during FY25 will have an allotted time to make a budget presentation. The completed presentation template, submitted with the application, shall be used during the presentation. The template will include space to provide current contact information, how the requested funds will be used to enhance the quality of life for citizens, and financial reporting documents.

Grant Award Requirements

Upon final approval of a Council resolution awarding grant funding, organizations that have been allocated funding will be notified. If the organization has not responded to the award notification within **10 business days** to provide the requested paperwork to the City of Memphis Finance Division, the award may be rescinded, and funding may be reallocated by Councilmembers. All documentation turned in to the City of Memphis Finance Division must be listed under the name of the registered organization that applied for the funding. All organizations must complete a direct deposit form for disbursement of funds if they are awarded funding from the grant program. To appropriately track expenditures for reporting purposes, any award totaling less than \$10,000 must be deposited into a separate account designated for the grant funding.

Any award amount of more than \$10,000 must be tracked via accounting software.

Grant Disbursement

All grant award recipients must submit a final grant report to the Memphis City Council and City of Memphis Finance Division by **May 1, 2025**. This report shall include an accounting of funds spent, proof of public use, and current nonprofit status.

Failure to submit a final grant report that is approved by the City of Memphis Finance Division will disqualify an organization from submitting an application for a City Council grant for the next fiscal year. The City of Memphis Finance Division may also request that the funds awarded to the recipient be returned to the City of Memphis.

Any approved applications for grant funds will be included in the FY25 Budget. All grant recipients are required to comply with the guidelines set forth by the City of Memphis Finance Office. **Failure to comply with the guidelines required by the Finance Division may result in forfeiture of the grant award.** Every grant recipient must accept the funds and complete an agreement with the City of Memphis Finance Division.

THEREFORE, BE IT FURTHER RESOLVED that the Memphis City Council, as a whole, will distribute the \$2,600,000 in grant funding during FY25 from the Community Initiatives Grants line item included in the FY25 Budget, and each Council Member shall allocate at least seventy-five (75%) percent of his or her allotted funds by November 12th, 2024; the remaining twenty-five (25%) percent must be allocated by December 17th, 2024, to ensure adequate time for disbursement before the end of the calendar year and submission of the final grant report before the end of the fiscal year.

BE IT FURTHER RESOLVED that all allocations must take place by resolution on the following meeting dates: November 12th and December 17th of 2024, to reduce the quantity of resolutions over the course of the year.

BE IT FURTHER RESOLVED that, in the event there is a City Council vacancy, the interim Council Member may only allocate one-twelfth (1/12) per month of the funding balance that is available for that specific district, to be allocated based upon the time the individual will be filling the vacancy.

Sponsor:
JB Smiley, Jr.

**A RESOLUTION TO CREATE A PARKS AND ENVIRONMENT AD HOC
COMMITTEE TO PROVIDE RECOMMENDATIONS TO THE PARKS DIVISIONS
FOR IMPLEMENTATION OF BEST PRACTICES REGARDING THE CITY'S
MANAGEMENT LEASES AND MANAGEMENT AGREEMENTS**

WHEREAS, the Memphis City Council has previously affirmed that the City of Memphis Parks division has a significant number of management leases and management agreements that directly impact the operation and use of Parks facilities; and

WHEREAS, Parks are a top priority of many municipalities and certainly is for the City of Memphis and this City Council; and

WHEREAS, the management of the parks is critical to ensure we have the best agreements in place; and

WHEREAS, it is prudent to move forward deliberately with full information and intentionality and the Council is eager to see positive, proactive methods and approaches regarding the parks management agreements.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council remains committed to addressing ways of improvement within the Parks division by establishing a Parks and Environment Ad Hoc Committee to review and provide recommendations for implementation of best practices as it relates to management leases - and management agreements for the City of Memphis Parks Division.

BE IT FURTHER RESOLVED that the Ad Hoc Parks and Environment Committee shall consist of the Chair of the Memphis City Council's Parks and Environment Committee, City Council members, the Parks Director, the City's Chief Operating Officer or his designee, the Chief Financial Officer or his designee, and community members from each Council district. Ad Hoc Committee assignments and details are as follows:

- (1) At the first meeting, the Ad Hoc Committee shall elect a vice-chairperson.
- (2) The Chair and Vice-chairperson will select two community members. City Council members may submit recommendations to the Chair and Vice Chair of the Ad Hoc Committee of community members to serve on the committee.
- (3) Meetings of the Ad Hoc Committee shall be subject to the open meetings provisions of T.C.A. Title 8, Chapter 44.
- (4) The Ad Hoc Committee shall meet monthly for eight (8) months.
- (5) The Ad Hoc Committee shall identify and address opportunities for improvement and best practices regarding current Parks Division management leases and management agreements.
- (6) The Ad Hoc Committee shall establish best practices and recommendations for management leases and management agreements to ensure that such leases and agreements best serve the interests City of Memphis.
- (7) At the conclusion of eight (8) months, the Parks and Environment Ad Hoc Committee will share their recommendations with the Memphis City Council Parks and Environment Committee.

BE IT FURTHER RESOLVED, that the Memphis City Council determines that the Parks and Environment Ad Hoc Committee is in the best interest of all citizens in the City of Memphis and Shelby County.