A-91 Presented by the Administration

CITY OF CUYAHOGA FALLS, OHIO

ORDINANCE NO. 81 – 2026

AN ORDINANCE AUTHORIZING ADVANCED SOLAR PRODUCTS, INC. TO REPLACE CS ENERGY AS THE ENGINEERING, PROCUREMENT, AND CONSTRUCTION (EPC) PARTNER TO CEP RENEWABLES, LLC FOR THE 20 MW AC SOLAR ARRAY LOCATED AT THE HARDY ROAD LANDFILL, AND TO PROVIDE THE REQUIRED PERFORMANCE BOND AND PAYMENT BOND FOR THE SOLAR PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 86-2025 authorized the City to enter into a contract, after receiving public proposals, for the purpose of constructing a City-owned 20 MW AC solar array located at the Hardy Road Landfill; and

WHEREAS, CEP Renewables, LLC (CEP) was selected based upon its proposal; and

WHEREAS, CEP's proposal contemplated a partnership with CS Energy to provide engineering, procurement and construction (EPC) services for the solar project, with CS Energy also securing the project's performance bond and payment bond, consistent with the standard model commonly used in the solar industry; and

WHEREAS, due to a change in circumstances, CS Energy is no longer able to participate in the solar project, and the parties have determined that Advanced Solar Products, Inc. (ASP) is a qualified, experienced, and financially stable replacement engineering, procurement, and construction (EPC) contractor capable of providing the necessary services and securing the required performance bond and payment bond for the solar project; and

WHEREAS, ASP is a leading solar energy and related sustainable technologies company developing and performing EPC work on commercial and industrial solar PV projects; and

WHEREAS, ASP has the resources, personnel and expertise necessary to facilitate completion of the project within the federal deadline, thereby preserving the City's ability to obtain the applicable federal tax credits.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit, and State of Ohio, that:

Section 1. Advanced Solar Products, Inc. is authorized to replace CS Energy as the engineering, procurement, and construction (EPC) partner to CEP Renewables, LLC for the 20 MW AC solar array at the Hardy Road Landfill and to provide the required performance bond and payment bond for the solar project.

Section 2. The Mayor, Director of Law, Director of Public Service, Director of Finance and any other necessary City officials are hereby authorized to provide such information and to execute such other documents and do all other actions as are necessary for and incidental to carrying out the requirements of this ordinance.

Section 3. Any ordinances or resolutions or portions of ordinances and resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent herewith and which have not previously been repealed are hereby ratified and confirmed.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including Chapter 107 of the Codified Ordinances.

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof and for the reason that it is necessary to secure an EPC partner so that the project is completed by the federal deadline necessary to secure the federal tax credit, and provided it receives the affirmative vote of two-thirds of the members elected or appointed 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 at the earliest period allowed by law.

Passed: 11-9-2026

President of Council

Clerk of Council

Approved: 11-10-2026

Mayor

10/26/26