

ORDINANCE NO. 5556

AN ORDINANCE to initiate and establish the process for granting a franchise by the City of Alexandria, Virginia to use certain public property for publicly available electric vehicle supply equipment.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the City of Alexandria (“the City”) proposes to grant a franchise, in the matter prescribed by law permitting publicly available electric vehicle supply equipment on certain public property as set forth in the following proposed franchise ordinance:

ORDINANCE NO. _____

AN ORDINANCE to grant to _____, its successors and assigns, a franchise (“Franchise”) under certain conditions, permitting the franchise to use certain public property to design, install, own, operate, maintain, repair, upgrade, and remove publicly available electric vehicle supply equipment (“EVSE”).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That this Franchise is hereby granted to _____, hereinafter referred to as “Grantee”, its successors and assigns, to permit the Grantee to use certain public property to design, install, own, operate, maintain, repair, upgrade, and remove EVSE for the use and benefit of the public, including incidental design, construction, and modifications to City infrastructure to further and accommodate such use.

Section 2. That the said Franchise is granted to the Grantee after public notice and invitation for bids, as required by law, pursuant to Section 3 of Ordinance No. _____, and after the invitation for bids was duly closed and all bids were fully and carefully investigated and evaluated.

Section 3. That the Grantee be, and hereby is, granted a Franchise for no less than ten years, beginning upon execution of the franchise agreement (“Franchise Agreement”), and the Franchise may be extended by successive five-year periods, not to exceed a total term of forty years, upon mutual, written contract of the parties, to use certain public property to design, install, own, operate, maintain, repair, upgrade, and remove publicly available EVSE for the use and benefit of the public. Grantee may perform incidental design, construction and modifications to City infrastructure to support Grantee’s primary use of such public property with the City’s prior written consent and in compliance with the franchise agreement, all applicable federal, state, and local laws and regulations. Grantee shall strictly comply with the terms of this Ordinance and with the Franchise Agreement, or such agreement substantially similar to the Franchise Agreement, attached hereto and incorporated fully herein by reference, together with all applicable laws and regulations of the City of Alexandria, the Commonwealth of Virginia, and the United States, and any regulatory agency having jurisdiction, including without limitation, compliance with the following conditions:

1. *Comply with all requests of the City Manager of the City of Alexandria (the "City Manager").*
2. *This Franchise may be assigned or transferred with the prior written consent of the City; such consent will not be unreasonably withheld.*
3. *Grantee shall obtain liability insurance to the satisfaction of the City Attorney of the City of Alexandria; such insurance shall name the City as an additional insured.*
4. *Grantee shall protect all property of the City or any other person during any work to design, install, own, operate, maintain, repair, upgrade, and remove EVSE for the use and benefit of the public, including incidental design, construction and modifications to City infrastructure to further and accommodate the use of public property, and shall fully restore, in kind, any property damaged or destroyed during any such work.*
5. *Additional conditions provided in the Franchise Agreement attached hereto and incorporated fully herein by reference, or other agreement substantially similar to the Franchise Agreement.*
6. *Grantee shall remove its property at its own expense at the expiration or termination of this Franchise (or any extension hereof) unless otherwise agreed to in writing that the City will accept such property.*

Section 4. That the City Manager be and hereby is authorized to execute such documents as may be required to effectuate this Franchise hereby granted.

Section 5. That the City Clerk of the City of Alexandria (the "City Clerk") be and hereby is authorized to attest the execution of said documents and to affix thereon the official seal of the City.

Section 2. That as soon as this Ordinance has been finally passed, the City Clerk shall cause to be advertised, once a week for two successive weeks in a newspaper published in the City, a descriptive notice of the proposed ordinance contained in Section 1 of this Ordinance, and, in addition thereto, shall by such advertisement invite bids for the Franchise proposed to be granted by such proposed ordinance, by publishing with the descriptive notice of such ordinance a notice which shall be in substantially the following form:

NOTICE

BIDS ARE INVITED BY THE CITY OF ALEXANDRIA, VIRGINIA, FOR THE GRANT OF A FRANCHISE PERMITTING THE GRANTEE TO USE CERTAIN PUBLIC PROPERTY TO DESIGN, INSTALL, OWN, OPERATE, MAINTAIN, REPAIR, UPGRADE, AND REMOVE PUBLICLY AVAILABLE ELECTRIC VEHICLE SUPPLY EQUIPMENT FOR THE BENEFIT OF THE PUBLIC,

INCLUDING INCIDENTAL DESIGN, CONSTRUCTION, AND MODIFICATIONS TO CITY INFRASTRUCTURE TO FURTHER AND ACCOMMODATE SUCH USE.

THE TERMS AND CONDITIONS FOR THE FRANCHISE ARE ATTACHED TO THE ORDINANCE AND ARE AVAILABLE ON THE CITY'S WEBSITE AT [HTTPS://WWW.ALEXANDRIAVA.GOV/ENERGY/ELECTRIC-VEHICLES](https://www.alexandriava.gov/energy/electric-vehicles).

THE TERM OF THE FRANCHISE IS NEGOTIABLE BUT SHALL BE FOR AN INITIAL TERM OF NO LESS THAN 10 YEARS WITH SUCCESSIVE EXTENSIONS OF 5 YEARS EACH, NOT TO EXCEED A TOTAL TERM OF FORTY YEARS, SUBJECT TO THE APPROVAL OF CITY COUNCIL.

ALL BIDS ARE TO BE SUBMITTED IN WRITING IN THE FORMAT REQUIRED BY THE TERMS AND SPECIFICATIONS OF THE INVITATION TO BID. THE BID DOCUMENTS ARE TO BE SENT TO AMY POSNER BY E-MAIL AT AMY.POSNER@ALEXANDRIAVA.GOV AND MUST BE RECEIVED ON OR BEFORE 4 P.M. EASTERN TIME, SEPTEMBER 13, 2024. AT THAT TIME BIDS SHALL BE PUBLICLY OPENED AND BIDDERS IDENTIFIED. THE LOCATION OF THE BID OPENING WILL BE 301 KING STREET, ROOM 2000, ALEXANDRIA, VA 22314.

IN ADDITION, IDENTIFICATION OF ALL BIDDERS SHALL BE ANNOUNCED, A BRIEF SUMMARY OF EACH BID RECEIVED SHALL BE READ, AND THE PRESIDING OFFICER SHALL INQUIRE IF ANY FURTHER BIDS ARE OFFERED IN OPEN SESSION OF THE CITY COUNCIL FOR THE CITY OF ALEXANDRIA IN COUNCIL CHAMBERS, CITY HALL, 301 KING STREET, SECOND FLOOR, ALEXANDRIA, VIRGINIA, 22314, ON SEPTEMBER 24, 2024 AT 7 P.M. EASTERN TIME. AT THE SEPTEMBER 24, 2024 MEETING, THE PRESIDING OFFICER SHALL DECLARE THE BIDDING CLOSED AND THE PRESIDING OFFICER SHALL REFER THE BIDS RECEIVED TO THE CITY MANAGER AND/OR CITY STAFF TO EVALUATE, REVIEW, AND CONSIDER IN THE MANNER PRESCRIBED BY THE TERMS AND SPECIFICATIONS OF THE INVITATION TO BID, INCLUDING THE SELECTION OF, AND NEGOTIATION OF A FRANCHISE AGREEMENT OR SIMILAR DOCUMENT WITH A RESPONSIVE BIDDER. AS SOON THEREAFTER AS PRACTICABLE, THE CITY MANAGER AND/OR STAFF WILL RECOMMEND THE SUCCESSFUL BIDDER AND PRESENT THE NEGOTIATED FRANCHISE AGREEMENT FOR CONSIDERATION AND APPROVAL BY CITY COUNCIL.

THE CITY RESERVES THE RIGHT IN THE CITY MANAGER'S SOLE DISCRETION TO REJECT ANY AND ALL BIDS, TO TERMINATE NEGOTIATIONS AT ANY STAGE OF THE SELECTION PROCESS, AND TO READVERTISE THE ORDINANCE WITH OR WITHOUT MODIFICATION.

THE DESCRIPTIVE NOTICE OF THE PROPOSED FRANCHISE NOTICE IS AS FOLLOWS:

The proposed ordinance will grant an exclusive franchise under certain conditions, permitting the grantee to use certain public property in the City of Alexandria, Virginia, to design, install, own, operate, maintain, repair, upgrade, and remove publicly available electric vehicle supply equipment, including incidental design, construction, and modifications to City of Alexandria, Virginia infrastructure to further and accommodate such use. Complete text of the ordinance is available in the office of the City Clerk.

Section 3. That this Ordinance shall become effective on the date and at the time of its final passage.




JUSTIN M. WILSON
MAYOR

ATTEST:



Gloria A. Sitton, CMC City Clerk

Approved as to Form:



Cheran Cordell Ivery City Attorney

Ordinance Attachments
Exhibit 1:

Final Passage: July 2, 2024