

Ordinance No. 312-2022

By Council Members Polensek and Griffin
(by departmental request)

FOR PASSAGE
March 28, 2022

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Safety to enter into one or more contracts without competitive bidding with MD Helicopters, Inc. for the purchase of labor and materials needed to upgrade two helicopters, including but not limited to, upgrading the engines and other necessary components, for the Division of Police, Department of Public Safety.

WHEREAS, under Ordinance No. 843-2021, passed November 29, 2021, City Council appropriated and approved the use of The American Rescue Plan Act of 2021 (“ARPA) funds for vehicles, equipment, personnel apparatuses and information technology equipment to support the operations of the various divisions of the Department of Public Safety; and

WHEREAS, the Division of Police wishes to upgrade two of its helicopters using ARPA funding allocated and approved under Ordinance No. 843-2021, which ordinance provides that any purchases must be made either through (1) the City’s competitive bid process; or (2) through cooperative agreements with other government agencies; and

WHEREAS, the desired upgrades may be performed solely by MD Helicopters, Inc. (“MD Helicopters”) and are an allowable use of ARPA funding under the Department of Treasury’s Interim Rule which expires on March 31, 2022; and

WHEREAS, the Department of Treasury in its Final Rule effective on April 1, 2022 has narrowed the definition of allowable uses of ARPA funding for “[i]nvesting in technology and equipment to allow law enforcement to more efficiently and effectively respond to the rise in gun violence resulting from the pandemic, and, consequently, such upgrades to the helicopters would not be an allowable use under the Final Rule; and

WHEREAS, any agreements with MD Helicopters must be fully-executed no later than March 31, 2022 to use ARPA funding; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council determines that the within commodities and services are non-competitive and cannot be secured from any source other than MD Helicopters, Inc. (“MD Helicopters”). Therefore, the Director of Public Safety is

Ordinance No. 312-2022

authorized to make one or more written contracts with MD Helicopters on the basis of its proposals each dated February 21, 2022, for the purchase of labor and materials needed to upgrade two helicopters from Model MD500E to MD530FF, including but not limited to, upgrading the engines and other necessary components in accordance with the approved FAA-conversion report, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Police, Department of Public Safety. (RQS 0117, RL 2021-78).

Section 2. That any contracts authorized in Section 1 to be paid from ARPA funding shall be fully-executed with funds to be encumbered, no later than March 31, 2022.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected 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 from and after the earliest period allowed by law.

SM:nl
3-28-2022
FOR: Director Howard

Ord. No. 312-2022

**REPORT
after second Reading**

By Council Members Polensek and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Safety to enter into one or more contracts without competitive bidding with MD Helicopters, Inc. for the purchase of labor and materials needed to upgrade two helicopters, including but not limited to, upgrading the engines and other necessary components, for the Division of Police, Department of Public Safety.

READ FIRST, SECOND AND THIRD TIME

READ FIRST TIME

REPORTS

and referred to

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME on MARCH 28, 2022

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **109** Page _____

Published in the City Record _____