

Ordinance No. 691-2021

By Council Members Kelley, Polensek and Griffin

AN EMERGENCY ORDINANCE

Authorizing the Director of Finance to employ one or more professional consultants, computer software developers, or vendors to provide and/or develop a broadband network on a citywide basis, to acquire licenses, program managing, and other professional services necessary to implement this ordinance; accepting gifts and grants; and authorizing other agreements, for the Division of Information Technology and Services, Department of Finance.

WHEREAS, to respond to the COVID-19 public health emergency, The American Rescue Plan Act of 2021 (ARPA) is providing fast and direct economic assistance for American workers, families, small businesses, and industries. The ARPA continues many of the programs started by the CARES Act (2020) and Consolidated Appropriations Act (2021) by adding new phases, new allocations, and new guidance to address issues related to the continuation of the COVID-19 pandemic. As a result of this economic crisis, the U.S. Department of the Treasury (“Treasury Department”) is providing needed relief to state, local, and Tribal governments to enable them to continue to support the public health response and lay the foundation for a strong and equitable economic recovery; and

WHEREAS, the COVID-19 emergency has highlighted the importance of universally available, high-speed, reliable, and affordable broadband coverage as individuals rely on the internet to participate in, among other items, remote school, healthcare and work; and

WHEREAS, recognizing this need for connectivity, the Treasury Department Interim Final Rule allows ARPA funds to be used to make necessary investments in broadband infrastructure; and

WHEREAS, additional resources need to be allocated to the City’s broadband infrastructure to provide internet services to underserved areas in the City and to provide computer and digital training to City residents, especially senior citizens; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety in the timely authorization and the signing of the necessary agreements and documents to expend ARPA funds; now, therefore,

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

Section 1. That the Director of Finance is authorized to employ by one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to provide and/or develop a broadband network on a citywide basis (the “Project”) and to acquire licenses and other professional services necessary to implement the Project, including but not limited to, installing, designing, training, testing, programming, integrating, managing connections, maintenance, technical support, and acquiring network equipment and incidental supplies, for the Division of Information Technology and Services, Department of Finance

Section 2. That the Director of Finance is authorized to employ by one or more consultants or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to provide program management services relating to the development, implementation, and continued operations of the Project, for the Division of Information Technology and Services, Department of Finance.

Section 3. That the Director of Finance is authorized to employ by one or more consultants or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to provide computer and digital training to City residents, for the Division of Information Technology and Services, Department of Finance.

Section 4. That the selection of the consultants, computer software developers, or vendors or firms of consultants, computer software developers, or vendors for the above-referenced professional services shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Finance for the purpose of compiling a list. The compensation to be paid for the services

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shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved and certified by the Director of Finance.

Section 5. That the Director of Finance is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a period not to exceed five years, for the necessary items of materials, equipment, supplies, and services not obtained under the professional services contracts authorized in this ordinance, including labor and installation if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Information Technology and Services, Department of Finance. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 6. That the Director of Finance is authorized to enter into any third-party software license agreements that are necessary to implement this ordinance.

Section 7. That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 8. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Finance may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 9. That, notwithstanding the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Finance is authorized to enter into agreements necessary for the purpose of mounting network hardware, and for other reasons, on public and private property.

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Section 10. That the Director of Finance is authorized to apply for and accept grants and gifts from any public or private entity for the Project; that the Director is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes of this ordinance.

Section 11. That the contracts authorized shall be fully-executed no later than December 31, 2024, and that all services and products under such contracts paid from ARPA funding must be provided and accepted by the City no later than June 1, 2026.

Section 12. That the costs of the contract or contracts authorized shall be paid from the fund or funds to which are deposited ARPA funding, the fund or funds to which are credited any grant and gift received, and other funds approved by the Director of Finance. (RQS 1511, RLA 2021-58)

Section 13. 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
8-18-2021
FOR: Council President Kelley

