

# Ordinance No. 651-2026

Council Members Polensek and Griffin

## AN EMERGENCY ORDINANCE

To amend Section 181.102 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1183-18, passed October 1, 2018, relating to software-related purchases.

WHEREAS, Codified Ordinance Section 181.102 is an exception for certain software-related purchases to the requirement that all purchases over \$50,000 shall be authorized by ordinance of Council under Codified Ordinance Section 181.10; and

WHEREAS, this Council wants to exercise its oversight legislative authority for software-related contracts costing more than \$150,000; 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 Section 181.102 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1183-18, passed October 1, 2018, is amended to read as follows:

Section 181.102 Authorization to Purchase Software or Other Licenses, Modules, Updates, Enhancements, Training, Technical Support, Maintenance, and Repairs

(a) When a director has been authorized by ordinance to acquire software, the director of the department for which the software was acquired or the ~~Director of Finance~~ Director of Innovation and Technology is authorized to enter into one (1) or more standard purchase or requirement contracts duly let to the lowest and best bidder as provided in Section 181.10, for software or other licenses, modules, updates, upgrades, enhancements, training, technical support, maintenance, and repair necessary to expand, enhance, implement or maintain the authorized software, provided that the estimated amount per contract year on any individual contract shall not exceed one hundred fifty thousand dollars (\$150,000.00).

(b) When a director has been authorized by ordinance to acquire software, the director of the department for which the software was acquired or the ~~Director of Finance~~ Director of Innovation and Technology is authorized to acquire by contract or contracts with one (1) or more software developers or vendors or one (1) or more firms of software developers or vendors, software or other licenses, modules, updates, upgrades, enhancements, training, technical support, maintenance, and repair necessary to expand, enhance, implement or maintain the authorized software, provided that the amount per contract year on any individual contract shall not exceed one hundred fifty thousand dollars (\$150,000.00). The selection of the software developers or vendors shall be made by the Board of Control on the nomination of the director of the department for which the software was acquired or the ~~Director of Finance~~ Director of Innovation and Technology from lists of qualified software developers or vendors available for employment as may be determined after a full and complete canvass by the director of the department for which the software was acquired or the ~~Director of Finance~~ Director of Innovation and Technology for the purpose of compiling the lists.

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(c) When a director has been authorized by ordinance to acquire a software system, the director of the department for which the system was acquired or the ~~Director of Finance~~ Director of Innovation and Technology is authorized to execute one (1) or more license agreements for software or other licenses needed to expand, enhance, implement or maintain the system-, provided that the amount per agreement year on any individual agreement shall not exceed one hundred fifty thousand dollars (\$150,000.00).

(d) When a director has been authorized to contract with a software developer or vendor, whether specified in an authorizing ordinance or by Board of Control resolution, to acquire software, the director of the department for which the software is acquired or the ~~Director of Finance~~ Director of Innovation and Technology is authorized to enter into one (1) or more contracts with the software developer or vendor for professional services necessary to perform as-needed services to expand, enhance, implement or maintain the software, including but not limited to, integration, implementation, migration, installation, design, interfacing, maintenance, repair, upgrades, enhancements, training, training registration, testing, and technical support-, provided that the amount per contract year on any individual contract shall not exceed one hundred fifty thousand dollars (\$150,000.00).

(e) The Board of Control shall fix the compensation to be paid for the software or other license, software systems or services authorized under this ordinance which shall be paid from the annual appropriation made for such purpose. The contract or contracts shall be prepared by the Director of Law, approved by the director of the department for which the purchase is made or the ~~Director of Finance~~ Director of Innovation and Technology, and certified by the Director of Finance.

(f) Nothing in this section shall be construed to authorize the acquisition of new software or any professional services that, in the judgment of the ~~Director of Finance~~ Director of Innovation and Technology, would significantly expand or modify the performance characteristics of the originally authorized software beyond the function or purpose capabilities identified in the ordinance authorizing the initial acquisition.

(g) 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~~ Director of Innovation and Technology 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 2. That existing Section 181.102 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1183-18, passed October 1, 2018, is repealed.

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.

