

# Ordinance No. 557-2019

**Council Members Cleveland and Kelley  
(by departmental request)**

**FOR PASSAGE  
April 29, 2019**

## **AN EMERGENCY ORDINANCE**

Authorizing the Director of Port Control to employ one or more professional consultants to provide technical support and maintenance of core information technology activities and other related services and to acquire software; and authorizing the purchase by one or more requirement contracts of the purchase, lease, or license of core networking hardware, software, server infrastructure, and wireless networking hardware to replace end of life devices, for the Department of Port Control, for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority.

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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 the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide technical support and maintenance of core information technology activities and other related services, for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercised at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

That the selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available for employment as may be determined after a full and

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complete canvass by the Director of Port Control for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 2. That the Director of Port Control is authorized to employ by contract or contracts one or more computer software developers or vendors or one or more firms of computer software developers or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to acquire one or more licenses for software applications, including implementation, training, and technical support related to the software, for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercised at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

That the selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control.

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

Section 3. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority, of the necessary items of the purchase, lease, or license of core networking hardware and/or software not acquired under a professional service contract authorized in this ordinance, server infrastructure, and wireless networking hardware to replace end of life devices, in the approximate amount as purchased or procured during the preceding term, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercised at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council. 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. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 4. That under Section 108(b) of the Charter, the purchases or procurements authorized by this ordinance may be made through cooperative

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arrangements with other governmental agencies. The Director of Port Control may sign all documents that are necessary to make the purchases or procurements, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 5. That the Director of Port Control is authorized to enter into any third-party software licenses agreements necessary to effectuate the purposes of this ordinance.

Section 6. That the costs of the requirement contract or contracts shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 115, 60 SF 116, 60 SF 126, 60 SF 128, 60 SF 130, 60 SF 141, 60 SF 160, 60 SF 167, 60 SF 168, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase or procurement under the contract, each of which purchases or procurements 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. (RQN 3001, RL 2019-8)

Section 7. That the cost of the professional service contract or contracts and other expenditures shall be paid from Fund No. 60 SF 001. (RQS 3001, RL 2019-39)

Section 8. 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.

RB:nl  
4-29-19

FOR: Director Kennedy

Council Members Cleveland and Kelley (by departmental request)

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READ FIRST, SECOND AND THIRD TIME

and referred to READ FIRST TIME REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME on APRIL 29, 2019

PRESIDENT

CITY CLERK

APPROVED

MAYOR