

# Ordinance No. 1066-2022

**By Council Members Kazy and Griffin  
(by departmental request)**

## AN EMERGENCY ORDINANCE

Authorizing the purchase by one or more requirement contracts of specialized and critical equipment, supplies, tools, software, computer equipment, training, and labor to maintain and replace components of various control systems; authorizing the Director of Public Utilities to enter into one or more requirement contracts without competitive bidding with various companies to provide components and services for various control systems; and to apply for and accept funding from the Northeast Ohio Regional Sewer District, for the various divisions of the Department of Public Utilities, for a period up to two years.

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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 Public Utilities 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 up to two years for the necessary items of specialized and critical equipment, supplies, tools, software, computer equipment, training, and labor to maintain and replace components of the electrical power distribution control system, water distribution control system, water plant control system, and sewer pump station control system, for the various divisions of the Department of Public Utilities, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Public Utilities. 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 2. That this Council determines that the within commodities and services are non-competitive and cannot be secured from any source other than Hach Company, HSQ Technology, Rexel, Inc., and Minsait ACS, Inc., as appropriate for their respective proprietary systems. Therefore, the Director of Public Utilities is authorized to make one or more written requirement contracts with these vendors under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for

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a period up to two years for the necessary items of materials, equipment, supplies, software, and services necessary to maintain, repair, and replace components manufactured or distributed by Hach Company, HSQ Technology, Rexel, Inc., and Minsait ACS, Inc., as appropriate, for the various control systems listed in Section 1 above to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the various divisions of the Department of Public Utilities.

Section 3. 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 Public Utilities 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 4. That the Director of Public Utilities is authorized to apply for and accept Northeast Ohio Regional Sewer District Stormwater Community Cost Share Program funding to implement this ordinance, that the Director is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance; and that the funds are appropriated for the purposes described in this ordinance.

Section 5. That the costs of the contract or contracts or other expenditures shall be paid from the fund or funds to which are credited the NEORS D Stormwater Community Cost Share Program funds, and shall also 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. (RQN 2002, RL 2022-47)

Section 6. 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  
10-17-2022  
FOR: Director Keane

