

Ordinance No. 694-18

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Utilities to employ one or more professional consultants necessary to maintain control systems; authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain control systems, including replacement parts, equipment, computer software, software upgrades, support software, software implementation, system changes, configurations, programming, training, upgrades, services and support and maintenance, and software related components necessary for the operation of the systems; and authorizing the Director to enter into one or more requirement contracts with various companies to provide critical proprietary components for the systems, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities for a period up to two years.

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 employ by contract or contracts 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 necessary to design software or acquisition of software licenses, updates, applications, and peripheral ancillary devices, and other related professional services, including but not limited to, maintenance and installation, needed to maintain control systems for a period up to two years.

Section 2. The selection of the consultants, computer software developers, or vendors for the services described above, shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants, computer software developers, or vendors available for employment as may be determined after a full and complete canvass by the Director of Public Utilities 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

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Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 3. 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, of the necessary items of the following requirements which are not obtained under a professional services contract authorized in this ordinance: labor and materials necessary to maintain control systems, including replacement parts, equipment, computer software, software upgrades, support software, software implementation, system changes, configurations, programming, training, upgrade, services and support and maintenance, and software related components necessary for the operation of the systems, 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 Divisions of Water, Water Pollution Control, and Cleveland Public Power, 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 4. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than HSQ Technology, Hach Company, Advanced Control Systems, Inc. , fka EFACEC ASC, Inc., and Rexel Inc. Therefore, the Director of Public Utilities is authorized to make one or more written requirement contracts with HSQ Technology, Hach Company, Advanced Control Systems, Inc. , fka EFACEC ASC, Inc., and Rexel Inc., for the requirements for a period

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not to exceed a period up to two years, of the necessary items of materials, equipment, supplies, services, software, software integration, labor, and training necessary, as appropriate, to repair, replace, or maintain critical proprietary components of the systems, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities.

Section 5. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RQN 2002, RL 2018-12)

Section 6. That the Director of Public Utilities is authorized to sign any third party software license agreements necessary to effect the purposes of this ordinance.

Section 7. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements 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 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.

CH:nl
5-14-18

FOR: Director Davis

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REPORT
after second Reading

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READ FIRST TIME on MAY 14, 2018
and referred to DIRECTORS of Public Utilities, Finance, Law;
COMMITTEES on Utilities, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **105** Page

Published in the City Record

**PASSAGE RECOMMENDED BY
COMMITTEE ON
UTILITIES**

FILED WITH COMMITTEE

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