

# Ordinance No. 1183-18

**Council Member Kelley**  
**(by departmental request)**

## AN EMERGENCY ORDINANCE

To amend Section 181.102 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 667-18, passed May 21, 2018, relating to authorization to purchase software licenses, updates, upgrades, enhancements, training, technical support, maintenance and repairs.

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. 667-18, passed May 21, 2018, is amended to read as follows:

Section 181.102 Authorization to Purchase Software or Other Licenses, Modules, Updates, Upgrades, 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 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. ~~, and for additional licenses for use of, or additional copies of, the originally authorized software and licenses for use of, or copies of, software associated with and having the same function, purpose and performance capabilities as the originally acquired software and within the express authority and purpose of the ordinance authorizing the initial acquisition.~~

(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 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. ~~, and licenses for use of, or copies of, software associated with and having the same function, purpose and performance capabilities as the originally acquired software and within the express authority and purpose of the ordinance authorizing the initial acquisition.~~ 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 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 for the purpose of compiling the lists.

(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 is authorized to execute one (1) or more license agreements ~~directly with the firm or firms licensing the software~~ for software or other licenses needed to expand, enhance, implement or maintain the system. ~~, and for additional licenses for use of, or additional copies of, the originally authorized software system, and licenses for use of, or copies of, software associated with and having the same function, purpose and performance capabilities as the originally acquired software system and within the express authority and purpose of the ordinance authorizing the initial acquisition.~~

(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

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acquire software, the director of the department for which the software is acquired or the Director of Finance 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, and to ~~acquire additional licenses for use of, or additional copies of, the originally authorized software and licenses for use of, or copies of, software associated with and having the same function, purpose and performance capabilities as the originally acquired software and within the express authority and purpose of the ordinance authorizing the initial acquisition,~~ including but not limited to, integration, implementation, migration, installation, design, interfacing, maintenance, repair, upgrades, enhancements, training, training registration, testing, and technical support.

(e) The Board of Control shall fix the compensation to be paid for the software or other licenses, software systems and 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, 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, 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 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. 667-18, passed May 21, 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.

RC:nl  
9-24-18

FOR: Director Dumas

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READ FIRST TIME on SEPTEMBER 24, 2018  
and referred to DIRECTORS of Finance, Law;  
COMMITTEE on Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record \_\_\_\_\_

REPORT  
after second Reading

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE

FILED WITH COMMITTEE