

Request for Legislation

Authorizing the amendment of Ordinance No. 1486-15 (Section 1) and 258-18 (Section 1) to allow the company name to be changed from Tyco Fire and Security (US) Management Inc. dba Simplex Grinnell LP to Johnson Controls Fire Protection LP.

Background/Purpose:

The Division of Water, Cleveland Public Power and Water Pollution Control currently have a contract with Simplex Grinnell LP to provide inspection, testing, and service of fire protection and life safety systems.

The primary purpose of this request for legislation is to allow the company name to be changed from Tyco Fire and Security (US) Management Inc. dba Simplex Grinnell LP to Johnson Controls Fire Protection LP.

The Department of Public Utilities (DPU) utilized Simplex Grinnell State Term Contract (5 year term initially set to expire November 2017 and renewed through 11/30/2018, Schedule 800318, Index STS 846) as source contract for MA-1505-RCD-2016-1. The business name change has been authorized under State of Ohio, Schedule 800318, Index STS 846 Amendment Number 3 effective 05/26/18.

Scope of Work/Commodities/Services:

This contract provides various services to include inspection, testing, and service of fire protection and life safety systems. This includes comprehensive annual fire alarm inspection and testing; quarterly fire sprinkler inspection; semi-annual clean agent and kitchen range hood fire suppression inspection and testing; troubleshooting, repair and replacement services; fixed gas detection systems – troubleshooting, repair and replacement services; and exit / emergency lighting troubleshooting, repair and replacement services.

Justification/Urgency:

Current contract MA-1505-RCD-2016-1 expires on May 2, 2019. This contract allows the Department of Public Utilities to continue a code compliant inspection and repair program and make enhancements and upgrades to building fire protection and life safety systems.

The ability to maintain and replace fire and life safety systems and system components or services are critical to insure the ability of DPU to provide safe, code compliant buildings across the collective building infrastructure.

Anticipated Costs and funding source:

The contract is currently in the first option year funded at \$450,000.00. Funding source was 2018 operating funds in the amount of \$350,000 for Division of Water, \$50,000.00 for Cleveland Public Power, and \$50,000.00 for Water Pollution Control.

Schedule or Term of Contract:

Legislation is for business name change only. The contract is currently in its first one (1) year renewal under the authority of Ordinance No. 258-18, for services to be provided to the Division of Water, Cleveland Public Power, and Water Pollution Control with another one-year option exercisable by the Director of Public Utilities. Ordinance No. 1486-15 is the authorizing ordinance for the original requirement contract.

Current Contract:

Vendor Information	Services/Work performed (current contract)	Contract Info	CSB Participation
Simplex Grinnell LP, 17295 Foltz Industrial parkway, Suite G, Strongsville, OH 44149	Inspection, testing, and service of fire protection and life safety systems	- Contract No. MA 1505 RCD 2016-1 - Awarded Amount: \$1,450,000.00 - Contract Expiration Date: May 2, 2019	None

CSB Participation on the Current Contracts:

There is no Cleveland Small Business (CSB) goal set for this contract because it is impractical to subcontract portions of the contract. Due to the nature of this contract, there are no subcontracting opportunities.

AUTHORIZING ORDINANCE

AS PUBLISHED IN THE CITY RECORD

Ord. No. 258-18.

By Council Members Keane and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to exercise the first option to renew Contract No. MA 1505 RCD 2016-1 with Tyco Fire & Security (US) Management Inc. dba SimplexGrinnell LP for the requirements of the labor and materials necessary for the inspection, testing, repair, and service of proprietary fire protection and life safety systems, including replacement equipment, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities.

Whereas, under the authority of Ordinance No. 1486-15, passed February 8, 2016, the Director of Public Utilities entered into Contract No. MA 1505 RCD 2016-1 with Tyco Fire & Security (US) Management Inc. dba SimplexGrinnell LP ("Simplex-Grinnell") for the requirements of the labor and materials necessary for the inspection, testing, repair, and service of proprietary fire protection and life safety systems, including replacement equipment, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities; and

Whereas, Ordinance No. 1486-15 requires further legislation before exercising the first option to renew on this contract; 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 the Director of Public Utilities is authorized to exercise the first option to renew Contract No. MA 1505 RCD 2016-1 for an additional year with SimplexGrinnell for the requirements of the labor and materials necessary for the inspection, testing, repair, and service of proprietary fire protection and life safety systems, including replacement equipment, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities. This ordinance constitutes the additional legislative authority required by Ordinance No. 1486-15 to exercise this option. (RQN 2002, RL 2018-1)

Section 2. 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.

Passed April 2, 2018.

Effective April 3, 2018.

AUTHORIZING ORDINANCE

AS PUBLISHED IN THE CITY RECORD

Ord. No. 1486-15.

By Council Members Pruitt and Kelley (by departmental request)

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more requirement contracts without competitive bidding with Simplex Grinnell for inspection, testing, repair, and service of proprietary fire protection and life safety systems, including replacement equipment, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period not to exceed two years, with two one-year options to renew, the first of which requires additional legislative authority.

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 this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Simplex Grinnell. Therefore, the Director of Public Utilities is authorized to make one or more written requirement contracts with Simplex Grinnell, at a cost not to exceed \$500,000 per year, for the requirements for a period not to exceed two years, with two one-year options to renew, the first of which requires additional legislative authority, of the necessary items of inspection, testing, and service of proprietary fire protection and life safety systems, including labor and materials necessary for repair and replacing equipment, and replacement equipment, for the Divisions of Water,

Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercised at the option of the Director of Public Utilities, without the necessity of obtaining additional authority of this Council.

Section 2. 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 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 2015-50)

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.

Passed February 8, 2016.

Effective February 9, 2016.