

September 1, 2021

**To:** Mayor and Members of City Council

**From:** Paula Boggs Muething, City Manager

*WV, Ann for  
POW*

202102667

**Subject: Emergency Ordinance – Moral Obligation Payment to Lumen,  
Level 3 Communications, LLC**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the payment in an amount not to exceed \$190,000 as a moral obligation to Level 3 Communications LLC for unpaid services rendered in relation to work on the City's primary internet circuit, expansion of the County Law Enforcement Applied Regionally bandwidth to meet increased needs, work on one of the Greater Cincinnati Water Works internet circuits in Lebanon, Ohio, and an emergency increase to the remote work circuit to support the work-from-home initiative put in place at the beginning of the COVID-19 pandemic.

This Emergency Ordinance authorizes the payment in an amount not to exceed \$190,000 as a moral obligation to Level 3 Communications, LLC, doing business as (dba) Lumen, for services provided to the Department of Enterprise Technology Solutions (ETS) in relation to the expansion of the City's primary internet circuit and other miscellaneous work performed for various City agencies.

Lumen provided various services to the City in Fiscal Year 2020 and Fiscal Year 2021 for which funds were not properly encumbered. Although invoices were sent, they were not processed in a timely manner due to a miscommunication between the vendor and City staff. Due to the timing of the encumbrance, a moral obligation payment is required. ETS has identified and resolved the issue which led to this oversight to avoid a similar situation in the future. Communication between ETS and vendors will be improved.

This Emergency Ordinance will also authorize the Finance Director to make a payment from Enterprise Technology Solutions Fund 702 operating budget account no. 702x091x3700x7212 in an amount not to exceed \$190,000 for the purpose of providing payment to the vendor. The portions of the costs borne by the various city agencies will be billed back to those agencies.

The reason for the emergency is the immediate need to pay Level 3 Communications, LLC for services provided to Enterprise Technology Solutions in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment