

June 28, 2006

The Honorable Matthew D. Habash  
President  
Columbus City Council  
90 West Broad Street  
Columbus, Ohio 43215

The Honorable Hugh J. Dorrian  
City Auditor  
City Auditor's Office  
90 West Broad Street  
Columbus, Ohio 43215

RE: Declaration of Emergency  
Division of Power and Water  
Carbon Dioxide

Dear President Habash and Mr. Dorrian:

Columbus City Council passed Ordinance number 0423-2006 on March 13, 2006 for the Division of Power and Water to purchase water treatment chemical carbon dioxide from EPCO Carbon Dioxide Products (UL005269). On June 23, 2006 EPCO Carbon Dioxide Products notified the City that they could no longer continue to service the City's carbon dioxide requirements effective immediately. This water treatment chemical is critical to the Division's ability to maintain a safe and clean drinking water supply to the City of Columbus and surrounding communities.

The Purchasing Office informally solicited bids from all known suppliers of carbon dioxide. Of the five known suppliers of carbon dioxide Praxair was the lowest, responsive, and responsible bid received. Currently the Purchasing Office is in the process of formally advertising for bids with the intention of having a contract in place by August 1, 2006. The Division of Power and Water would like to enter into a contract with Praxair, for carbon dioxide, in the amount of \$540,000.00 or as much thereof as may be needed and to waive the provisions of competitive bidding. The Contract Compliance number for Praxair is 06-1249050. They do not have certified MBE/FBE status.

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An emergency ordinance is being prepared to purchase carbon dioxide due to the unexpected termination of service of our current supplier.

This event presents a clear and present danger to public health, safety, and welfare. The only sanctioned method to contract for these goods and services without certified funds is to execute an emergency waiver in accordance with Section 329.27 of the Columbus City Codes. Therefore, in accordance with the emergency waiver provision of the Columbus City Codes, Title Three, Article Three, Chapter 329.27, I have declared an emergency, and authorize the Director of Public Utilities to enter into a contract with Praxair, at an amount not greater than \$540,000.00, to cover the cost of this water treatment chemical.

Sincerely,

Cheryl Roberto  
Director

MBC:CR:jdb

pc: The Honorable Matthew D. Habash, President, Columbus City Council  
Members of Columbus City Council  
The Honorable Hugh J. Dorrian, City Auditor  
Joel Taylor, Director Dept. of Finance and Management  
Rick Westerfield, Administrator, Division of Power & Water

**APPROVAL:**

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Michael B. Coleman, Mayor

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Date

