



Legislation Details (With Text)

File #: 2639-2013 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 11/4/2013 **In control:** Public Utilities Committee
On agenda: 12/9/2013 **Final action:** 12/11/2013

Title: To authorize the City Attorney to enter into a contract with Squire Sanders (US) LLP to provide legal support for the Department of Public Utilities' Blueprint Columbus Plan, to authorize the expenditure of \$215,000.00 from the Sanitary Sewer General Obligation Bond Fund, to amend the 2013 Capital Improvement Budget, and to declare an emergency. (\$215,000.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ord 2639-2013 Sub-Contractor WIF Squire Sanders (US) LLP 110513

Date	Ver.	Action By	Action	Result
12/11/2013	1	CITY CLERK	Attest	
12/11/2013	1	ACTING MAYOR	Signed	
12/9/2013	1	COUNCIL PRESIDENT	Signed	
12/9/2013	1	Columbus City Council	Approved	Pass

BACKGROUND: This legislation authorizes the City Attorney to enter into a contract with Squire Sanders (US) LLP to provide legal support for the Department of Public Utilities' Blueprint Columbus Plan. The City Attorney and the Department of Public Utilities solicited requests for proposals from law firms pursuant to the requirements of city code section 329.14. The proposals were ranked pursuant to the criteria provided for in the RFP, and Porter Wright ranked first, while Squire Sanders (US) LLP ranked second. Pursuant to Ordinance No. 0225-2013, the City Attorney entered into a contract with Porter Wright Morris and Arthur for the initial phase of this work. Upon further evaluation of the proposals, it was determined that finalizing this project with the assistance of Squire Sanders (US) LLP would best meet the needs of the Department of Public Utilities.

Current plans to address the consent order from the Ohio EPA rely on gray infrastructure such as tunnels. In 2012 submitted a request to the Ohio EPA, which was approved, to address the overflows using more green infrastructure and eliminating other sources such as leaking laterals and downspout connections. This new approach is called Blue Print Columbus.

CONTRACT COMPLIANCE NO: 34-0648199 | MAJ | Exp. 11/20/2014

EMERGENCY DESIGNATION: Emergency designation is requested at this time so that there is not any interruption in legal support for this project.

FISCAL IMPACT: To authorize the expenditure of \$215,000.00 from Sanitary Sewer General Obligation Bond Fund, Fund 664 and amend the 2013 Capital Improvement Budget.

To authorize the City Attorney to enter into a contract with Squire Sanders (US) LLP to provide legal support for the Department of Public Utilities' Blueprint Columbus Plan, to authorize the expenditure of \$215,000.00 from the Sanitary

Sewer General Obligation Bond Fund, to amend the 2013 Capital Improvement Budget, and to declare an emergency. (\$215,000.00)

WHEREAS, the Department of Public Utilities is under a mandate from Ohio EPA to eliminate sanitary sewer overflows and basement back-ups; and

WHEREAS, the Department previously submitted to Ohio EPA a plan to achieve the elimination of sewer overflows and basement back-ups, which plan was approved by Ohio EPA; and

WHEREAS, the currently approved plans relies exclusively on expensive tunnels and other gray infrastructure to address the overflows; and

WHEREAS, in 2012, the Department sought and received from Ohio EPA permission to investigate a new option, known as Blueprint Columbus; and

WHEREAS, Blueprint Columbus would mitigate sewer overflows and basement back-ups primarily by eliminating sources of clear water from sanitary sewers, such as leaking laterals, downspout connections, while also increasing green infrastructure to treat storm water which would be a benefit to the community; and

WHEREAS, Blueprint Columbus would require the Department to have access to private property to achieve the goal of eliminating clean water from the sanitary sewers, which raises certain legal issues; and

WHEREAS, the City Attorney and the Department of Public Utilities desire to obtain outside counsel to assist in investigating the issues raised by the Integrated Plan; and

WHEREAS, the City Attorney and the Department of Public Utilities solicited requests for proposals pursuant to the requirements of city code section 329.14, and the proposals were ranked pursuant to the criteria provided for in the RFP, and Porter Wright ranked first, while Squires Sanders ranked second; and

WHEREAS, pursuant to Ordinance No. 0225-2013, the City Attorney entered into a contract with Porter Wright Morris and Arthur for the initial phase of this work; and

WHEREAS, upon further evaluation of the proposals, it was determined that finalizing this project with the assistance of Squire Sanders (US) LLP would best meet the needs of the Department of Public Utilities for Blueprint Columbus; and

WHEREAS, it is necessary to authorize an expenditure of funds from the Sanitary Sewer General Obligation Bond Fund, Fund 664, in the amount of \$215,000.00 for purposes of providing sufficient funding for the aforementioned project expenditure; and

WHEREAS, it is necessary to authorize an amendment to the 2013 Capital Improvements Budget for the purposes of providing sufficient funding and expenditure authority for the aforementioned project expenditures; and

WHEREAS, an emergency exists in the usual daily operations of the City in that it is immediately necessary for the City Attorney to enter into contract with Squire Sanders (US) LLP, for legal support relative to the Blue Print Columbus program so that there is not interruption in legal services for the public peace, property, health, safety and welfare of the city to enable the City Attorney to enter into the contract for such services to provide for timely assistance to the City;
Now Therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the City Attorney be and hereby is authorized to enter into a contract on behalf of the Department of Public Utilities with Squire Sanders (US) LLP, 2000 Huntington Center, 41 South High Street, Columbus, Ohio 43215 for

legal services pertaining to the Department of Public Utilities' Blue Print Columbus program.

SECTION 2. That the 2013 Capital Improvements budget Ordinance No. 0645-2013 is hereby amended as follows, to provide sufficient budget authority for the project expenditures stated in the ordinance herein.

Project No. | Proj. Name | Current | Revised | (Change)

650004-100001 (Carryover) | Legal Assistance for Columbus Blueprint (Integrated Plan) | \$0 | \$216,236 | (+\$216,236)
Increase authority for Cancellation

650004-100001 (Carryover) | Legal Assistance for Columbus Blueprint (Integrated Plan) | \$216,236 | \$1,236 | (-\$215,000)

SECTION 3. That the Director of Public Utilities be and hereby is authorized to expend up to \$215,000.00 from the Sanitary Sewer General Obligation Bond Fund into the Legal Assistance for Blueprint Columbus Project | Fund 664 | Div. 60-05 | Project 650004-100001 | 640401 | Object Level Three 6684.

SECTION 4. That the City Auditor is hereby authorized to transfer any unencumbered balance in the project account to the unallocated balance within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project; except that no transfer shall be made from a project by monies from more than one source.

SECTION 5. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 6. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 7. That for reasons stated in the preamble hereto, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force and after its passage and approval by the Mayor or ten days after its passage if the Mayor neither approves nor vetoes the same.