



## Legislation Details (With Text)

**File #:** 2015-2023      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 6/28/2023      **In control:** Technology Committee

**On agenda:** 7/24/2023      **Final action:** 7/26/2023

**Title:** To authorize the City Attorney, on behalf of Director of the Department of Technology, to enter into contract with the law firm of Ice Miller LLP to assist with the legal exploration of how the City owned fiber network might be utilized by broadband providers to extend and expand options for residents, and related activities; to waive the competitive bidding requirements of the Columbus City Codes; to authorize the expenditure of \$210,000.00 from the Department of Technology operating fund; and to declare an emergency. (\$210,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2015-2023EXP, 2. 2015-2023 bid waiver form, 3. Broadband Counsel SOW\_f Inb edits 062623

| Date      | Ver. | Action By             | Action   | Result |
|-----------|------|-----------------------|----------|--------|
| 7/26/2023 | 1    | CITY CLERK            | Attest   |        |
| 7/25/2023 | 1    | ACTING MAYOR          | Signed   |        |
| 7/24/2023 | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 7/24/2023 | 1    | Columbus City Council | Approved | Pass   |

This legislation authorizes the City Attorney, on behalf of Director of the Department of Technology (DoT), to enter into contract with Ice Miller LLP. DoT seeks the authority to utilize the services of the law firm of Ice Miller LLP to assist with the legal exploration of how the City owned fiber network might be utilized by broadband providers to extend and expand options for residents, and related activities. Ice Miller LLP has been solicited to provide assistance because of its experience in this area.

This ordinance also authorizes the expenditure of \$210,000.00 to compensate the special counsel for services rendered, as described above.

Finally, this ordinance authorizes the waiver of relevant portions of Columbus City Codes relating to competitive bidding. Because this law firm brings a wealth of specialized knowledge and experience with issues pertaining to local government and broadband technology, DoT is requesting that competitive bidding requirements be waived.

**FISCAL IMPACT**

Funds totaling \$210,000.00 are budgeted specifically for this contract in the Department of Technology operating fund budget.

**EMERGENCY ACTION**

Emergency action is being requested to allow the law firm to be engaged prior to Council going in to summer recess as the legal guidance sought is needed imminently to meet project deadlines.

**CONTRACT COMPLIANCE**

Ice Miller, LLP

Vendor #007008, expiration 8/5/2018

To authorize the City Attorney, on behalf of Director of the Department of Technology, to enter into contract with the law firm of Ice Miller LLP to assist with the legal exploration of how the City owned fiber network might be utilized by broadband providers to extend and expand options for residents, and related activities; to waive the competitive bidding requirements of the Columbus City Codes; to authorize the expenditure of \$210,000.00 from the Department of Technology operating fund; and to declare an emergency. (\$210,000.00)

**WHEREAS**, the City of Columbus requires the professional services provided by Ice Miller LLP; and

**WHEREAS**, the law firm of Ice Miller LLP has the requisite knowledge and expertise in the field of the broadband and fiber services to provide the City of Columbus, Department of Technology legal guidance in this area; and

**WHEREAS**, it is in the best interest of the city to waive relevant provisions of Chapter 329 of the Columbus City Codes relating to competitive bidding in this situation, due to the law firm's specialized knowledge and experience in the provision of broadband and fiber services; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Technology in that it is immediately necessary to authorize the City Attorney to enter into contract on behalf of the Director of the Department of Technology with Ice Miller LLP in order to allow for engagement of legal services prior to the Council summer recess to meet project deadlines, thereby preserving the public health, peace, property, safety and welfare; **NOW, THEREFORE,**

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

**SECTION 1.** That the City Attorney, on behalf of the Director of the Department of Technology, is hereby authorized to enter into a contract with Ice Miller LLP for the purpose of providing legal guidance to the Department on broadband and fiber services and related activities.

**SECTION 2.** That Council finds it is in the City's best interests to waive the relevant provisions of Chapter 329 of the Columbus City Codes regarding competitive bidding, and the same are hereby waived.

**SECTION 3.** That the expenditure of \$210,000.00, or so much thereof as may be necessary, is hereby authorized to be expended from the Department of Technology operating fund in object class 03, per the accounting codes in the attachment to this ordinance. (see 2015-2023EXP)

**SECTION 4.** That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

**SECTION 5.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves or vetoes the same.