



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 1/13/2023 **In control:** Public Utilities Committee

On agenda: 2/13/2023 **Final action:** 2/15/2023

Title: To authorize the City Attorney, on behalf of the Department of Public Utilities, Division of Power, to renew the contract for energy consultant legal services with McNees Wallace & Nurick, Inc. for the Division of Power; to authorize the expenditure of \$100,000.00 from the Electricity Operating Fund; and to declare an emergency. (\$100,000.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD 0221-2023 Financial Coding - Energy Legal Consulting Services - Renewal #3, 2. ORD 0221-2023 McNees Wallace & Nurick - Energy Legal Consulting Services - Renewal #3 - Additional Information form

Date	Ver.	Action By	Action	Result
2/15/2023	1	CITY CLERK	Attest	
2/14/2023	1	MAYOR	Signed	
2/13/2023	1	COUNCIL PRESIDENT	Signed	
2/13/2023	1	Columbus City Council	Approved	Pass

This legislation authorizes the City Attorney to renew the contract with the law firm McNees Wallace & Nurick LLC, a Pennsylvania limited liability company, for energy consultant legal services relating to the City’s purchase of electric power for the Department of Public Utilities, Division of Power. Services are needed in supply-side electric energy procurement and management and advisory matters. This firm will work closely with the City Attorney’s Office and the Division of Power to assist the City in identifying energy related issues, identifying the most competitive solutions, and securing the best prices, terms and conditions available for electricity contract(s) with qualified suppliers.

The Division of Power is a full service electric utility serving residential, commercial, and industrial customers. The Division currently has approximately 16,600 customer accounts, which include electric service to several City buildings and facilities, such as the City’s water and wastewater treatment plants. The Division also provides electricity services for the city’s street lights, of which there are approximately 57,000 city-wide. In 2021, Division of Power’s customers consumed approximately 840,000 MWh.

The Division regularly solicits competitive proposals through a Request for Proposals process for a power supply agreement. Currently, the Division has a power supply agreement with American Municipal Power (“AMP”) to supply power through December 31, 2025. DOP is in need of energy consultant legal services to assist with contracting for the purchase of wholesale electric power beyond this date.

The City Attorney’s Office, on behalf of the Department of Public Utilities, solicited proposals for the subject services in accordance with the provisions of Chapter 329 of City Code (RFQ013226). Seventy-one (71) vendors were solicited; two (2) proposals were received, and on September 6, 2019, McNees Wallace & Nurick LLC was selected as the best offeror.

The term of the contract was for one (1) year, renewable for five (5) additional years in one (1) year increments at the

City's option, contingent on budgeted funds and approval of City Council. If unforeseen issues or difficulties are encountered that would require additional funding, a modification would be requested. This legislation authorizes the third one-year renewal.

1. Amount of additional funds: The total amount of additional funds needed for this contract renewal #3 is \$100,000.00. Total contract amount to-date, including this renewal, is \$375,000.00.
2. Reason additional funds were not foreseen: The need for additional funds was known at the time of the initial contract.
3. Reason other procurement processes were not used: The renewal options were part of the bid award from the RFQ.
4. How cost was determined: The renewal is in line with amounts in the original bid award.

SUPPLIER:

McNees Wallace & Nurick. | D365 Vendor #001743 | Federal EIN #23-1256003 | Expired 10/10/2021 | McNees Wallace & Nurick does not hold MBE/FBE status.

The company is not debarred according to the Excluded Party Listing System of the Federal Government or prohibited from being awarded a contract according to the Auditor of State Unresolved Findings for Recovery Certified Search.

FISCAL IMPACT:

\$100,000.00 is budgeted and available for this purchase.

This ordinance is contingent on the passage of the 2023 Operating Budget, Ordinance 2937-2022.

\$6,212.50 has been spent in 2023

\$84,928.50 was spent in 2022

\$119,460.50 was spent in 2021

EMERGENCY DESIGNATION:

This ordinance is being submitted as an emergency in order to prevent a lapse between year three and four of this planned multi-year electric energy consulting contract.

To authorize the City Attorney, on behalf of the Department of Public Utilities, Division of Power, to renew the contract for energy consultant legal services with McNees Wallace & Nurick, Inc. for the Division of Power; to authorize the expenditure of \$100,000.00 from the Electricity Operating Fund; and to declare an emergency. (\$100,000.00)

WHEREAS, the City Attorney's Office, on behalf of the Department of Public Utilities, Division of Power, solicited proposals for energy consultant services; and

WHEREAS, proposals were received and opened on September 6, 2019, and McNees Wallace & Nurick LLC was selected as the best offeror; and

WHEREAS, the term of the contract was for one (1) year, with five (5) additional renewal options in one (1) year increments at the City's option, contingent on budgeted funds and approval of City Council; and

WHEREAS, this ordinance authorizes the third one-year renewal option; and

WHEREAS, this ordinance is being submitted in accordance with the relevant provisions of Chapter 329 of City Code pertaining to contract renewals; and

WHEREAS, the expenditure of \$100,000.00, or so much thereof as may be needed, is hereby authorized in Fund 6300, Electricity Operating Fund, in object class 03, Services, per the accounting codes attached to the ordinance; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Power, in that it is immediately necessary to authorize the City Attorney, on behalf of the Director of Public Utilities, to renew the contract for energy consultant legal services with McNees Wallace & Nurick LLC, without delay in order to prevent a lapse between year three and four of this planned multi-year electric energy consulting contract, for the immediate preservation of the public health, peace, property and safety; **NOW, THEREFORE**,

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

SECTION 1. That the City Attorney is hereby authorized to renew the contract with McNees Wallace & Nurick LLC for energy consultant legal services on behalf of the Department of Utilities, Division of Power., in accordance with the terms and conditions as shown in the contract on file in the office of the Division of Power.

SECTION 2. That this modification is in accordance with the relevant provisions of Chapter 329 of City Code.

SECTION 3. That the expenditure of \$100,000.00, or so much thereof as may be needed, is hereby authorized in Fund 6300, Electricity Operating Fund, in object class 03, Services, per the accounting codes attached to the ordinance.

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 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 6. 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 nor vetoes the same.