



Legislation Details (With Text)

File #: 0989-2012 **Version:** 1
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File created: 4/26/2012 **In control:** Public Utilities Committee
On agenda: 6/25/2012 **Final action:** 6/26/2012

Title: To authorize the City Attorney's Office to modify and extend the contract with McNees, Wallace & Nurick LLC to provide legal service regarding administering a Request for Proposal and contract negotiation for power supply for the City for June 1, 2014 through December 31, 2016; contract issues relating to existing power purchase agreement; legal issues relating to demand response contracting for the Department facilities; and legal issues relating to interconnection and power purchase arrangements with renewable energy projects, to authorize the expenditure of \$75,000.00 from the Division of Electricity Operating Fund and to declare an emergency. (\$75,000.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
6/26/2012	1	CITY CLERK	Attest	
6/26/2012	1	MAYOR	Signed	
6/25/2012	1	COUNCIL PRESIDENT	Signed	
6/25/2012	1	Columbus City Council	Approved	Pass

In 2004 the City Attorney entered into a contract with McNees, Wallace & Nurick LLC ("McNees"), a law firm knowledgeable in electric purchase power issues, to assist in drafting and negotiating the purchase power agreement with AEP which currently provides the City's power needs through May 31, 2012. The Division of Power and Water continues to need the law firms' legal services and expertise regarding several ongoing matters that require an increase in the firm's legal budget. These services include administering a Request for Proposal ("RFP") and contract negotiation for power supply for the City for June 1, 2014 through December 31, 2016; contract issues relating to existing power purchase agreement; legal issues relating to demand response contracting for the Department facilities; and legal issues relating to interconnection and power purchase arrangements with renewable energy projects. Therefore, it is now necessary to increase the City's existing contract with McNees Wallace & Nurick LLC by \$75,000.00 to provide for continued legal services. .

Contract Compliance Number: 231256003, Expires 03/30/2013

FISCAL IMPACT: Funding for this expenditure will come from the Division of Electricity Operating Fund.

EMERGENCY JUSTIFICATION: Emergency action is requested as not to delay the monies necessary to continue the legal services of the City's special counsel, whose expertise in these matters is needed.

To authorize the City Attorney's Office to modify and extend the contract with McNees, Wallace & Nurick LLC to provide legal service regarding administering a Request for Proposal and contract negotiation for power supply for the City for June 1, 2014 through December 31, 2016; contract issues relating to existing power purchase agreement; legal issues relating to demand response contracting for the Department facilities; and legal issues relating to interconnection and power purchase arrangements with renewable energy projects, to authorize the expenditure of \$75,000.00 from the Division of Electricity Operating Fund and to declare an emergency. (\$75,000.00)

WHEREAS, in 2004, the City Attorney entered into a contract with McNees, Wallace & Nurick LLC, a law firm knowledgeable in electric purchase power issues, to provide specialized legal services for the Division of Power and Water (City) relating to the purchase power contracts for the Division; and

WHEREAS, McNees, Wallace & Nurick LLC subsequently, assisted the City in the drafting and negotiating a purchase power agreement with AEP which currently provides the City's power needs through May 31, 2012; and

WHEREAS, Ordinance 0629-2009, passed on May 11, 2009 authorizes the Director of Public Utilities to negotiate and enter into contract for purchase power on behalf of the Division of Division of Power and Water for years 2012 to 2014; and

WHEREAS, Ordinance 0426-2011, passed on April 4, 2011 authorizing the City Attorney's Office to modify and extend the contract with McNees, Wallace & Nurick LLC to provide legal service regarding issues related to purchased power contracts, the flood wall generators, PJM issues and Demand Response Program issues; and

WHEREAS, it is presently estimated that an additional \$75,000.00 is presently needed to cover McNees, Wallace & Nurick LLC's continued specialized legal services and expertise in administering a Request for Proposal ("RFP") and contract negotiation for power supply for the City for June 1, 2014 through December 31, 2016; contract issues relating to existing power purchase agreement; legal issues relating to demand response contracting for the Department facilities; and legal issues relating to interconnection and power purchase arrangements with renewable energy projects; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Power and Water, in that it is necessary to authorize the Cit Attorney to extend its existing contract with McNees, Wallace & Nurick LLC for specialized legal service for the immediate preservation of the public peace, property, health and safety; now, therefore: now, therefore:

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

SECTION 1. That the City Attorney is hereby authorized to modify an existing contract with McNees, Wallace & Nurick LLC, in the amount of \$75,000.00, for their continued special legal counsel service and expertise in administering a Request for Proposal ("RFP") and contract negotiation for power supply for the City for June 1, 2014 through December 31, 2016; contract issues relating to existing power purchase agreement; legal issues relating to demand response contracting for the Department facilities; and legal issues relating to interconnection and power purchase arrangements with renewable energy projects.

SECTION 2. That to pay the cost of the aforesaid contract modification, the expenditure of \$75,000.00, or so much thereof as may be needed, is hereby authorized from the Division of Power and Water - Power, Division No. 60-07, Electric Operating Fund 550, OCA 600830, Object Level Three 3324.

SECTION 3. That for the reasons stated in the preamble hereto, which is by 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 its passage if the Mayor neither approves nor vetoes the same.