



Legislation Details (With Text)

File #: 1134-2024 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 4/12/2024 **In control:** Public Utilities & Sustainability Committee

On agenda: 7/1/2024 **Final action:** 7/5/2024

Title: To authorize the City Attorney, on behalf of the Department of Public Utilities, to modify the contract for special legal counsel services with Taft Stettinius & Hollister LLP for the Divisions of Sewerage and Drainage and Water; to waive competitive bidding provisions of Columbus City Code; to authorize the expenditure of \$55,000.000 from the Sewerage and Drainage and Water Operating Funds. (\$55,000.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD 1134-2024_Vendor Contract_DOSD and DOW PFAS Legal Services, 2. ORD 1134-2024_Engagement Letter_Signed 1_18_2024, 3. ORD 1134-2024_Bid Waiver, 4. ORD 1134_2024_Quote_PFAS Sampling Proposal_5_10_24, 5. ORD 1134-2024_Financial Coding

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------------|-------------------------|--------|
| 7/5/2024 | 1 | CITY CLERK | Attest | |
| 7/3/2024 | 1 | MAYOR | Signed | |
| 7/1/2024 | 1 | COUNCIL PRESIDENT PRO-TEM | Signed | |
| 7/1/2024 | 1 | Columbus City Council | Approved | Pass |
| 6/24/2024 | 1 | Columbus City Council | Read for the First Time | |

This legislation authorizes the City Attorney to modify and increase the amount of a contract with the law firm Taft Stettinius & Hollister LLP, an Ohio limited liability partnership, for legal services relative to issues related to the Department of Public Utilities’ Divisions of Sewerage and Drainage and Water PFAS Action Plan development as set forth in the Scope of Services.

This ordinance authorizes a second modification of the contract entered into with Taft Stettinius & Hollister LLP on January 20, 2023. The term of the Contract is from date of last execution until such time as the need for outside legal counsel concludes or the parties mutually agree to terminate this Contract, 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. The original contract was not legislated due to the funding amount, the first modification was authorized by ORD 1201-2023. It is in the City's best interest to waive competitive bidding because Erica Spitzig is a legal expert in the field of in the field of per-and polyfluoroalkyl substances (PFAS) and their relation to water. She speaks at national water conferences on legal considerations of the forthcoming federal regulations of PFAS.

- Amount of additional funds: The total amount of additional funds needed for this contract is \$49,172.61 plus a \$5,827.39 contingency for a total of \$55,000.00. City of Columbus shall pay a blended rate of two hundred fifty dollars (\$250.00) per hour for said services after the submittal of detailed invoices documenting the work performed. Moreover, the allocated funds include an increase to accommodate the sum of \$72,735.00, designated for the provision of support services by SLR Consultants to Taft Stettinius & Hollister LLP. SLR is replacing Geosyntec who was previously identified as the consultant to Taft Stettinius & Hollister LLP.
- Reason additional funds were not foreseen: The original consultant Geosyntec was unable to perform the

sampling work as scoped. The new consultant SLR requires additional funds to complete the work.

3. Reason other procurement processes were not used: The project was a second contract with Taft Stettinius & Hollister LLP and their employee legal expert Erica Spitzig who is a leading expert in the field of per- and polyfluoroalkyl substances (PFAS) and their relation to water. She speaks at national water conferences on legal considerations of the forthcoming federal regulations of PFAS.
4. How cost was determined: Per quote from the law firm and SLR Consultants.

SUPPLIER:

Taft Stettinius & Hollister LLP | D365 Vendor #039718 | Federal EIN# On File | Expired 1/11/2025 | Taft Stettinius & Hollister does not hold MBE/FBE status.

SUBCONTRACTOR:

SLR | D365 Vendor #PENDING | | Expiration PENDING | SLR does not hold MBE/FBE status.

The companies are 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:

\$55,000.00 is available but was unbudgeted. DOSD anticipates having a surplus of funding available to cover this expense.

\$215,162.39 was legislated in ORD 1201-2023 but has yet to be spent

\$26,262.64 was spent in 2024 as of 5/31/2024

\$33,575.27 was spent in 2023

To authorize the City Attorney, on behalf of the Department of Public Utilities, to modify the contract for special legal counsel services with Taft Stettinius & Hollister LLP for the Divisions of Sewerage and Drainage and Water; to waive competitive bidding provisions of Columbus City Code; to authorize the expenditure of \$55,000.000 from the Sewerage and Drainage and Water Operating Funds. (\$55,000.00)

WHEREAS, the City Attorney’s Office, on behalf of the Department of Public Utilities, Divisions of Sewerage and Drainage and Water, entered into a contract with Taft Stettinius & Hollister LLP for PFAS special legal counsel services; and

WHEREAS, ORD 1201-2023 modified the original contract; and

WHEREAS, it is necessary to modify the contract to change subcontractors and provide more funding; and

WHEREAS, due to Taft Stettinius & Hollister LLP attorney Erica Spitzig's subject matter expertise it is in the City's best interest to waive the competitive bidding provisions of Columbus City Code; and

WHEREAS, the expenditure of \$55,000.00, or so much thereof as may be needed, is hereby authorized in Funds 6100 , Sewerage and Drainage Operating Fund, in object class 03, Services, per the accounting codes attached to the ordinance; and

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

SECTION 1. That the City Attorney is hereby authorized to modify the contract with Taft Stettinius & Hollister LLP for PFAS legal services on behalf of the Department of Utilities, Divisions of Sewerage and Drainage and Water, to increase the contract amount by an additional \$55,000.00.

SECTION 2. That due to Taft Stettinius & Hollister LLP attorney Erica Spitzig's subject matter expertise it is in the City's best interest to waive the competitive bidding provisions of Columbus City Code, Chapter 329.

SECTION 3. That the expenditure of \$55,000.00 or so much thereof as may be needed, is hereby authorized in Funds 6100, Sewerage and Drainage Operating Funds, 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 this ordinance shall take effect and be in force from and after the earliest period allowable by law.