



Legislation Details (With Text)

File #: 0822-2016 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 3/17/2016 **In control:** Public Utilities Committee
On agenda: 4/18/2016 **Final action:** 4/21/2016

Title: To authorize the City Attorney to modify an existing contract with the law firm, McNees Wallace & Nurick LLC, a Pennsylvania limited liability company, in order to retain this law firm's specialized legal services in matters relating to the City's purchase of electric power; to authorize the expenditure from the Division of Electricity Operating Fund. (\$75,000.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Dax Coding for 0822-2016; 3.29.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 4/21/2016 | 1 | CITY CLERK | Attest | |
| 4/20/2016 | 1 | MAYOR | Signed | |
| 4/18/2016 | 1 | COUNCIL PRESIDENT | Signed | |
| 4/18/2016 | 1 | Columbus City Council | Approved | Pass |
| 4/11/2016 | 1 | Columbus City Council | Read for the First Time | |

...Explanation

BACKGROUND:

The City Attorney on behalf of the City entered into a contract on October 26, 2004 ("Contract") with the law firm, McNees Wallace & Nurick LLC, a Pennsylvania limited liability company ("McNees"), in order to retain McNees' specialized legal services in matters relating to the City's purchase of electric power. The City previously passed Ordinance Numbers 1519-2005, 1384-2006, 0097-2006, 2215-2006, 0748-2009, 1157-2010, 0426-2011, 2011, 0989-2012, 2644-2012, 2785-2013, and 0439-2015 authorizing certain modifications to the Contract to extend and increasing funding to retain McNees' specialized legal services, including but not limited to legal services relating to (i) administering a Respond for Proposal ("RFP") and contract negotiation for the City's power supply for June 1, 2014 through December 31, 2016; (ii) existing power purchase agreements' contract issues; (iii) legal issues relating to demand response contracting for department facilities; (iv) legal issues relating to interconnection and power purchase arrangements with renewable energy projects; and (v) assisting in drafting and negotiating purchase power agreements ((i), (ii), (iii), (iv), & (v), collectively, "Services").

The Department of Public Utilities, Division of Power (DPU), continues to need the Services through December 31, 2016; however, additional funding in the amount of Seventy-five Thousand and 00/100 U.S. Dollars (\$75,000.00) is required in order to maintain the Services through December 31, 2016.

CONTRACT COMPLIANCE NUMBER: 231256003

FISCAL IMPACT:

Funding for this expenditure will come from the Division of Power's Operating Fund, Fund Number 6300.

EMERGENCY JUSTIFICATION:

Not applicable.

To authorize the City Attorney to modify an existing contract with the law firm, McNees Wallace & Nurick LLC, a Pennsylvania limited liability company, in order to retain this law firm's specialized legal services in matters relating to the City's purchase of electric power; to authorize the expenditure from the Division of Electricity Operating Fund. (\$75,000.00)

WHEREAS, the City, pursuant to an existing contract (*i.e.* Contract) between the City and the law firm, McNees Wallace & Nurick LLC, a Pennsylvania limited liability company (*i.e.* McNees), intends to continue to retain McNees' specialized legal services in matters relating to electric purchase power issues through December 31, 2016 (*i.e.* Services);

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Utilities for the City Attorney to enter into a modification of the Contract to provide McNees additional compensation of up to Seventy-five Thousand and 00/100 U.S. Dollars (\$75,000.00) in order to retain McNees' Services; **now, therefore:**

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

SECTION 1. That the City Attorney is authorized to modify an existing contract (*i.e.* Contract) between the City and the law firm, McNees Wallace & Nurick LLC, a Pennsylvania limited liability company ("McNees"), in order to provide McNees additional compensation in the amount of Seventy-five Thousand and 00/100 U.S. Dollars (\$75,000.00) and retain McNees' specialized legal services in matters relating to the City's purchase of electric power.

SECTION 2. That the expenditure of Seventy-five Thousand and 00/100 U.S. Dollars (\$75,000), or so much as may be needed, is authorized in Fund Number 6300 Department of Public Utilities, Division of Power, Electric Operating Fund in Object Class 03 Purchased Services per the accounting codes in the attachment to this ordinance.

SECTION 3. That the City Auditor is authorized to make any accounting changes to revise the funding source associated with this ordinance.

SECTION 4. That this ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.