



## Legislation Text

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**File #: 0739-2007, Version: 1**

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**BACKGROUND:** In 2005, Ordinances 0587-2005 and 1019-2005 were passed authorizing the purchase of new equipment from Itron, Inc. and modifying the contract (CT-09367/PR029519), to identify Itron, Inc. as a sole source provider for maintenance of the data capturing system used by the Power & Water Division for meter reading and billing.

The Division has requested that the Finance & Management Purchasing Office further modify the present contract to include Universal Term Contract language which will allow multi-year extensions of this sole source contract using procedures established by the Purchasing Office. This will improve the Division's ability to manage this contract in accordance with UTC procedures outlined in City Code. The modified contract will expire on September 30, 2012 with annual extensions available until September 30, 2015.

Itron, Inc., CC#911011792, Expires 3/26/2009  
Estimated Annual Expenditure: \$42,500.00

1. Amount of additional funds: No additional funds are necessary to modify the contract other than the \$1.00 needed to create a UTC document.
2. Reason additional needs were not foreseen: Needs were foreseen. This modification is in the best interest of the City because it will save contract modification processing time for an ongoing sole source agreement.
3. Reason other procurement processes not used: Adding other supplier's equipment or allowing other companies to maintain the system will void the equipment warranty.
4. How cost was determined: Terms and conditions are in accordance with the original agreement.

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:** Funding to establish this option contract is budgeted in the Purchasing/UTC Contract Account. The Department of Public Utilities, Power & Water Division will be required to obtain approval to expend from their own appropriations for their estimated annual expenditures.

To authorize and direct the Finance & Management Director to modify an existing sole source contract with Itron, Inc., for the purchase and maintenance of software and hardware for the data capturing system used by the Power & Water Division by adding Universal Term Contract language and by establishing the contract period, to authorize the expenditure of one (1) dollar to establish the contract from the Purchasing/UTC Contract Account, and to declare an emergency. (\$1.00)

WHEREAS, the Power & Water division has established a contract with Itron, Inc. for a data capturing system with Itron, Inc. and this company has been designated as the sole source for software, hardware and maintenance for this system; and

WHEREAS, this system is used by the Power & Water Division to read meters and bill customers so it is critical to daily operations of the agency; and,

WHEREAS, Itron, Inc., is the sole provider of this system, so any system additions or maintenance performed by another vendor would void the warranty for this equipment; and

WHEREAS, the current maintenance agreement with Itron, Inc. expired on March 31, 2007 and the Power & Water Division is requesting the original contract be modified to include Universal Term Contract (UTC) language as this will permit more efficient contract management by allowing multi-year extensions at the City's option in accordance with procedures established by the Purchasing Office; and

WHEREAS, an emergency exists in the usual daily operation of the Power & Water Division, in that it is immediately necessary to

authorize the Finance & Management Director to modify the contract with Itron, Inc. as an emergency measure in order to prevent uninterrupted billing for services for the immediate preservation of public health, peace, property and safety; now, therefore,

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

SECTION 1. That the Finance & Management Director be and is hereby authorized to modify contract CT-09367/PR029519 with Itron, Inc., by adding Universal Term Contract (UTC) language to the contract for the purchase and maintenance of hardware and software for the Power & Water Division's data capturing system, through the contract expiration date of September 30, 2012 with extensions available until September 30, 2015 at the City's option.

SECTION 2. That the expenditure of \$1.00 is hereby authorized from Purchasing/UTC Contract Account, Organization Level 1: 45-01, Fund: 05-517, Object Level 3: 2270, OCA 451130, to pay the cost thereof.

SECTION 3. That this modification is in accordance with Section 329.16 of the Columbus City Codes.

SECTION 4. 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.