



Legislation Details (With Text)

File #: 2738-2018 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/26/2018 **In control:** Public Utilities Committee

On agenda: 11/19/2018 **Final action:** 11/21/2018

Title: To authorize the Director of Public Utilities to modify all contracts and agreements with EnerNOC, Inc. by assigning all past, present and future contracts and agreements to Enel X North America, Inc. under their new name and with the same Federal Identification Number, for demand response services for the Division of Power's retail electricity customers, including Department of Public Utilities facilities, and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD 2738-2018 Enel X North America, Inc - W9 & Certificate of Amendment

Date	Ver.	Action By	Action	Result
11/21/2018	1	ACTING CITY CLERK	Attest	
11/20/2018	1	MAYOR	Signed	
11/19/2018	1	COUNCIL PRESIDENT	Signed	
11/19/2018	1	Columbus City Council	Approved	Pass

The Department of Public Utilities entered into a multi-year Demand Response Services Agreement with EnerNOC, Inc. to provide demand response services under the PJM emergency load response program for the Division of Power's retail electricity customers, including Department of Public Utilities facilities. The Agreement and associated demand response services will generate revenue for the Department of Public Utilities and help support reliable operation of regional electric services.

The Division of Power has recently been notified that in August of 2017, EnerNOC, Inc. became a subsidiary of Enel X. As a part of this acquisition by Enel, EnerNOC, Inc. has changed its name from EnerNOC, Inc. to Enel X North America, Inc., effective with the Certificate of Amendment of Amended and Restated Certificate of Incorporation filing with the State of Delaware on September 28, 2018. The company will now be working under the new name and using the same Federal Identification Number 87-0698303. This Ordinance is to authorize the assignment of all past, present and future business done by the City of Columbus with EnerNOC, Inc., FID #87-0698303 to be assigned to Enel X North America, Inc., FID #87-0698303 and is being submitted in accordance with the relevant provisions of Chapter 329 of the City Code pertaining to contract modifications.

SUPPLIER: Enel X North America, Inc. (87-0698303), Expires March 7, 2019
Enel X North America, Inc. 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.

- Amount of additional funds: Total amount of additional funds needed for this contract modification No. 1 is \$0.00. Total contract amount including this modification is \$0.00.
- Reasons additional funds were not foreseen: There is no cost associated with this project.

3. Reason other procurement processes were not used: Work under this modification is a continuation of services included in the scope of the original bid contract. No, more attractive terms and conditions are anticipated at this time.
4. How was cost determined: The terms and conditions are in accordance with the original agreement.

FISCAL IMPACT: There are no fiscal transfers or expenditures anticipated at this time.

EMERGENCY DESIGNATION: This ordinance is being submitted as an emergency for the necessary establishment of a contract modification under the new company name with the same FID number for the continuation of services for all past, present and future business done by the City of Columbus with Enel X North America, Inc.

To authorize the Director of Public Utilities to modify all contracts and agreements with EnerNOC, Inc. by assigning all past, present and future contracts and agreements to Enel X North America, Inc. under their new name and with the same Federal Identification Number, for demand response services for the Division of Power's retail electricity customers, including Department of Public Utilities facilities, and to declare an emergency. (\$0.00)

WHEREAS, the Department of Public Utilities entered into a multi-year Demand Response Services Agreement with EnerNOC, Inc. to provide demand response services under the PJM emergency load response program for the Division of Power's retail electricity customers, including Department of Public Utilities facilities, and

WHEREAS, the Agreement and associated demand response services will generate revenue for the Department of Public Utilities and help support reliable operation of regional electric services, and

WHEREAS, the Division of Power has recently been notified that in August of 2017, EnerNOC, Inc. became a subsidiary of Enel X. As a part of this acquisition by Enel, EnerNOC, Inc. has changed its name from EnerNOC, Inc. to Enel X North America, Inc. effective with the Certificate of Amendment of Amended and Restated Certificate of Incorporation filing with the State of Delaware on September 28, 2018, and

WHEREAS, the company will now be working under the new name and using the same Federal Identification Number 87-0698303. This Ordinance is to authorize the assignment of all past, present and future business done by the City of Columbus with EnerNOC, Inc., FID #87-0698303 to be assigned to Enel X North America, Inc., FID #87-0698303 and is being submitted in accordance with the relevant provisions of Chapter 329 of the City Code pertaining to contract modifications, 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 establish the contract modification under the new company name with the same FID number for the continuation of services for all past, present and future business done by the City of Columbus with Enel X North America, Inc.; now, therefore

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

SECTION 1. That the Director of Public Utilities be and is hereby authorized to modify all past, present and future contracts and agreements pursuant to those contracts to reflect the change of company name but with use of the same FID number from EnerNOC, Inc., FID #87-0698303 to be assigned to Enel X North America, Inc., #87-0698303.

SECTION 2. That said firm shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Power.

SECTION 3. That this modification is in accordance with the relevant provisions of Columbus City Code, Chapter 329

relating to contract modification for all past, present and future contracts to be assigned to Enel X North America, Inc.

SECTION 4. There is no cost associated with this project.

SECTION 5. 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.