



## Legislation Text

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**File #: 1083-2008, Version: 1**

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### **1. BACKGROUND:**

This legislation authorizes the Director of Public Utilities to accept name and Federal Identification number changes of Buckingham, Doolittle, and Burroughs and the assignment of all their present and future contracts with the City of Columbus to Dinsmore & Shohl, Inc. These actions are a result of Dinsmore & Shohl, Inc.'s acquisition of Buckingham, Doolittle, and Burroughs. The Department currently has numerous legal service agreements with Buckingham, Doolittle, and Burroughs. Dinsmore & Shohl, Inc. will continue to provide the required services in accordance with the existing contract terms and provisions.

Furthermore this ordinance also authorizes the Director of Public Utilities to modify an existing contract in the amount of \$240,000.00 for legal services for the BigWalnut Augmentation Rickenbacker Interceptor Project.

On August 3, 2007 the City Attorney solicited proposals from a number of law firms via Requests for Proposals (RFPs) for special legal counsel to provide legal advice and other legal services to the City Attorney and the Department of Public Utilities with regard to litigation matters pertaining to the Big Walnut Augmentation Rickenbacker Interceptor Projects in which the City has an interest. The City Attorney received six proposals in response to the RFPs. After evaluating all proposals and interviewing attorneys representing three law firms, the City Attorney found that Buckingham, Doolittle & Burroughs, LLP would be best-qualified to represent the City in this matter. On November 15, 2007, the City Attorney entered into an agreement with Buckingham, Doolittle & Burroughs for said services. Buckingham, Doolittle & Burroughs was recently acquired by Dinsmore & Shohl. This ordinance authorizes the City Attorney to modify said contract for special legal counsel with Dinsmore & Shohl.

### **2. FISCAL IMPACT:**

This legislation will not alter the balances of any other existing contracts covered by this assignment. However, \$240,000.00 will be needed for the modification of contract EL007864

**COMPANY:** Dinsmore & Shohl (31-0263070) Expires 6-25-10

### **3. EMERGENCY DESIGNATION:**

The Department of Public Utilities is requesting City Council to declare this ordinance an emergency measure in order to allow the existing contracts to be assigned to Dinsmore & Shohl, Inc.'s vendor number (31-0263070), which is necessary for the subject services to continue without interruption, and to allow financial transactions to be posted in the City's accounting system as soon as possible. Up to date financial posting promotes accurate accounting and financial management.

To authorize and direct the Director of Public Utilities to modify present and future contracts with Buckingham, Doolittle, and Burroughs., to reflect a name and Federal Identification Number change as a result of their acquisition by Dinsmore & Shohl, Inc., to authorize the assignment of all existing obligations to the City of Columbus by Buckingham, Doolittle, and Burroughs to Dinsmore & Shohl, Inc; and to modify an existing agreement, to authorize the expenditure of \$240,000.00 from the Sewerage System Operating Fund and to declare an emergency. (\$240,000.00)

**WHEREAS**, the Director of the Department of Public Utilities, has entered into multiple contracts with Buckingham, Doolittle, and Burroughs (FMSM). in connection with legal services agreements; and

**WHEREAS**, the it is necessary to alter existing contracts with Buckingham, Doolittle, and Burroughs to reflect a name and Federal Identification Number change to the companies as a result of their acquisition by Dinsmore & Shohl, Inc. effective July 1, 2008; and

**WHEREAS**, Dinsmore & Shohl, Inc. has informed the Director of Public Utilities of its intentions to fulfill the contractual

obligations of Buckingham, Doolittle, and Burroughs; and

**WHEREAS**, the City Attorney has a need for legal advice and other legal services with regard to litigation matters pertaining to the Big Walnut Augmentation Rickenbacker Interceptor Projects in which the City has an interest; and

**WHEREAS**, the City Attorney solicited proposals from a number of law firms via Requests for Proposals (RFPs) on August 3, 2007; and

**WHEREAS**, the City Attorney received six proposals in response to the RFPs, and

**WHEREAS**, the City Attorney and Buckingham, Doolittle & Burroughs, LLP which was acquired by Dinsmore & Shohl entered into a contract for special legal counsel on November 15, 2007 to provide legal advice and other legal services to the City Attorney and the Department of Public Utilities with regard to litigation matters pertaining to the Big Walnut Augmentation Rickenbacker Interceptor Projects; and

**WHEREAS**, the City has determined that additional funds beyond the original contract amount are needed in order for the Contractor to perform the services agreed to in the original agreement between the parties; and

**WHEREAS**, the City has determined that an additional \$240,000.00 should be sufficient to cover said services by the Contractor which includes invoices for services already rendered by the Contractor; and

**WHEREAS**, it is in the best interest of both parties to modify said contract; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately required for this Council to authorize the Director of the Department to assign the aforementioned contractual obligations of Buckingham, Doolittle, and Burroughs. to the professional legal services firm of Dinsmore & Shohl, Inc.; so as to avoid any interruption in the performance of services that are necessary to ensure the continued operation of the City of Columbus' Department of Public Utilities projects and services; for the preservation of the public health, peace, safety, and welfare; now, therefore,

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

**Section 1.** That the Director of Public Utilities is hereby authorized and directed to modify present and future contracts to reflect the change of company names and Federal Identification Numbers from Buckingham, Doolittle, and Burroughs, to Dinsmore & Shohl, Inc.

**Section 2.** That the Director of Public Utilities is hereby authorized to assign Dinsmore & Shohl, Inc. all existing contractual obligations between the City of Columbus and Buckingham, Doolittle, and Burroughs in accordance with Dinsmore & Shohl, Inc. acquisition of Buckingham, Doolittle, and Burroughs, Inc.

**Section 3.** That for the purposes stated in Section 1, an amount not to exceed \$240,000.00 is authorized to be expended from Sewerage System Operating Fund, Fund 650, OCA: 605006, Object Level 3324 in order to modify contract EL007864.

**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.