



Legislation Text

File #: 2785-2013, **Version:** 1

...Explanation

BACKGROUND: In 2004, the Columbus City Attorney entered into a contract with McNees Wallace & Nurick LLC ("McNees"), a Pennsylvania limited liability company, to assist in drafting and negotiating the City's purchase power agreements, because McNees is a law firm knowledgeable in electric purchase power issues. The City of Columbus, Ohio, Department of Public Utilities, Division of Power and Water ("City"), continues to need the law firm's legal services and expertise regarding several ongoing matters that require an increase in the firm's legal budget. These services include administering a Respond for Proposal ("RFP") and contract negotiation for power supply for the City for June 1st, 2014 through December 31st, 2016; contract issues relating to existing power purchase agreements; legal issues relating to demand response contracting for department facilities; and legal issues relating to interconnection and power purchase arrangements with renewable energy projects. Therefore, it is necessary to increase the City's existing contract with McNees Wallace & Nurick LLC by Seventy-five Thousand and 00/100 U.S. Dollars (\$75,000.00) for continuing legal services.

Contract Compliance Number: 231256003, Expires 12/3/2015

FISCAL IMPACT: Funding for this expenditure will come from the Division of Electricity Operating Fund.

EMERGENCY JUSTIFICATION: Emergency action is requested in order to not delay payments necessary to continue the legal services of McNees, whose expertise in these matters is needed, which preserves the public peace, health, property, safety, and welfare.

To authorize the Columbus City Attorney's Office to modify and extend the contract with McNees Wallace & Nurick LLC, a Pennsylvania limited liability company, for legal services regarding a Respond for Proposal and contract negotiation for power supply for the City for June 1st, 2014 through December 31st, 2016; contract issues relating to existing power purchase agreements; legal issues relating to demand response contracting for department facilities; and legal issues relating to interconnection and power purchase arrangements with renewable energy projects, to authorize the expenditure of Seventy-five Thousand and 00/100 U.S. Dollars from the Division of Electricity Operating Fund; and to declare an emergency. (\$75,000.00)

WHEREAS, in 2004, the Columbus City Attorney entered into a contract with McNees Wallace & Nurick LLC ("McNees"), a Pennsylvania limited liability company, to assist in drafting and negotiating the City's purchase power agreements, because McNees is a law firm knowledgeable in electric purchase power issues;

WHEREAS, City Ordinance Number 0629-2009 previously authorized the Director of Public Utilities to negotiate and enter into contract for purchase power on behalf of the Division of Power and Water for years 2012 to 2014;

WHEREAS, City Ordinance Number 0426-2011 previously authorized the Columbus City Attorney's Office to modify and extend the contract with McNees to provide legal service regarding issues related to purchased power contracts, the flood wall generators, PJM issues, and Demand Response Program issues;

WHEREAS, City Ordinance Number 0989-2012 previously authorized the Columbus City Attorney's Office to modify and extend the contract with McNees in administering a Request for Proposal ("RFP") and contract negotiation for power

supply for the City for June 1st, 2014, through December 31st, 2016; contract issues relating to existing power purchase agreement; legal issues relating to demand response contracting for Department facilities; and legal issues relating to interconnection and power purchase arrangements with renewable energy projects;

WHEREAS, City Ordinance Number 2644-2012 previously authorized an additional Fifty Thousand and 00/100 U.S. Dollars (\$50,000.00) to pay for McNees' continued specialized legal services and expertise in administering the RFP and contract negotiation for power supply for the City for June 1st, 2014 through December 31st, 2016; contract issues relating to existing power purchase agreements; legal issues relating to demand response contracting for department facilities; and legal issues relating to interconnection and power purchase arrangements with renewable energy projects;

WHEREAS, it is presently estimated that an additional Seventy-five Thousand and 00/100 U.S. Dollars (\$75,000.00) is presently needed to pay for McNees' continued specialized legal services and expertise in administering the RFP and contract negotiation for power supply for the City for June 1st, 2014 through December 31st, 2016; contract issues relating to existing power purchase agreements; legal issues relating to demand response contracting for department facilities; and legal issues relating to interconnection and power purchase arrangements with renewable energy projects; and

WHEREAS, an emergency exists in the usual daily operation of the City's Department of Public Utilities, Division of Power and Water, because it is immediately necessary to authorize the Columbus City Attorney to extend its existing contract with McNees for specialized legal service, which immediately preserves the public peace, property, health, and safety; now, therefore:

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

SECTION 1. The Columbus City Attorney is authorized to modify an existing contract with McNees Wallace & Nurick LLC, a Pennsylvania limited liability company, in the amount of Seventy-five Thousand and 00/100 U.S. Dollars (\$75,000.00), for continued special legal counsel service and expertise in administering a Respond for Proposal ("RFP") and contract negotiation for power supply for the City for June 1st, 2014 through December 31st, 2016; contract issues relating to existing power purchase agreements; legal issues relating to demand response contracting for department facilities; and legal issues relating to interconnection and power purchase arrangements with renewable energy projects.

SECTION 2. In order to pay the cost of this contract modification, the expenditure of Seventy-five Thousand and 00/100 U.S. Dollars (\$75,000.00), or as much as may be needed, is authorized to be used from the Division of Power and Water - Power, Division № 60-07, Electric Operating Fund 550, OCA 600830, Object Level 03: 3324.

SECTION 3. For the reasons stated in the preamble of this ordinance, which are by made a part of this ordinance, this ordinance is declared to be an emergency measure and shall take effect and be in full force after its passage and approval by the Mayor or ten days after its passage if the Mayor neither approves nor vetoes this ordinance.