



Legislation Text

File #: 1716-2019, **Version:** 1

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, 0439-2015, 0822-2016, and 2745-2017 authorizing certain modifications to the Contract to extend and increase 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; (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, 2019; however, additional funding in the amount of Thirty-Seven Thousand Five Hundred and 00/100 U.S. Dollars (\$37,500.00) is required in order to maintain the Services through December 31, 2019.

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, for specialized legal services related to the City's purchase of electric power; and to authorize the expenditure from the Division of Electricity Operating Fund. (\$37,500.00)

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 ("McNees"), intends to continue to retain McNees' specialized legal services in matters relating to electric purchase power issues through December 31, 2019; and

WHEREAS, at the request of the Department of Public Utilities the City Attorney has requested to enter into a modification of the Contract to provide McNees additional compensation of up to Thirty-Seven Thousand Five Hundred and 00/100 U.S. Dollars (\$37,500.00) in order to retain McNees' services; **now, therefore:**

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

SECTION 1. That the City Attorney is authorized to modify an existing 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 Thirty-Seven Thousand Five Hundred and 00/100 U.S. Dollars (\$37,500.00) and retain McNees' specialized legal services in matters relating to the City's purchase of electric power.

SECTION 2. That the expenditure of Thirty-Seven Thousand Five Hundred and 00/100 U.S. Dollars (\$37,500), 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 in order for the City Attorney to modify the contract and compensate McNees accordingly.

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.