

RESOLUTION NO. 2009-109

SPONSOR Mr. Pry

DATE March 30, 2009

COMMITTEE Finance

**A Resolution confirming an award by the Board of Control of the second amendment (Statement of Work 4) of the 2nd renewal of a professional service contract with The E Group, which expires on 12/31/09, to restate and extend the term of the agreement as 36 months, from 2/1/09 through 1/31/12, to provide consulting services related to the County of Summit's natural gas aggregation program, in the amount of \$0.04156 per MCF, payable from Direct Energy Services, LLC for the length of the supply agreement, which expires 1/31/12, for the Executive's Department of Law, and declaring an emergency.**

WHEREAS, the Board of Control, at its meeting held on March 4, 2009, awarded the second amendment (Statement of Work 4) of the 2nd renewal of a professional service contract with The E Group, which expires on 12/31/09, to restate and extend the term of the agreement as 36 months, from 2/1/09 through 1/31/12, to provide consulting services related to the County of Summit's natural gas aggregation program, in the amount of \$0.04156 per MCF, payable from Direct Energy Services, LLC for the length of the supply agreement, which expires 1/31/12, subject to confirmation by County Council; and

WHEREAS, County Council previously adopted Resolution No. 2002-531, which authorized the County Executive to execute a professional service contract (Statement of Work 1) with The E Group, which was executed on August 28, 2002; and

WHEREAS, Council subsequently adopted Resolution No. 2004-425, which authorized the Executive to execute 1<sup>st</sup> renewal (Statement of Work 1) for a two-year term from September 1, 2004 through August 31, 2006, which was executed on July 19, 2004; and

WHEREAS, Council subsequently adopted Resolution No. 2006-395, which authorized the Executive to execute the second renewal (Statement of Work 2) , for a two-year term from September 1, 2006 through August 31, 2008, which was executed on September 19, 2006; and

WHEREAS, Council subsequently adopted Resolution No. 2007-585, which authorized an amendment (Statement of Work 3) of the 2nd renewal which was to expire on 3/31/08, to extend it until 12/31/09; and

WHEREAS, this Council has determined by reviewing all pertinent information that it is necessary and in the best interest of the County of Summit to confirm the Board of Control's award of the second amendment (Statement of Work 4) of the 2nd renewal of a professional service contract with The E Group, which expires on 12/31/09, to restate and extend the term of the agreement as 36 months, from 2/1/09 through 1/31/12, to provide consulting services related to the County of Summit's natural gas aggregation program, in the amount of \$0.04156 per MCF, payable from Direct Energy Services, LLC for the length of the supply agreement, which expires 1/31/12;

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of Ohio, that:

SECTION 1

The award by the Board of Control of the second amendment (Statement of Work 4) of the 2nd renewal of a professional service contract with The E Group, which expires on 12/31/09, to restate and extend the term of the agreement as 36 months, from 2/1/09 through 1/31/12, to provide consulting services related to the County of Summit's natural gas aggregation program, in the amount of \$0.04156 per MCF, payable from Direct Energy Services, LLC for the length of the supply agreement, which expires 1/31/12, is hereby confirmed and the County Executive is authorized to execute such contract.

SECTION 2

This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit, and for the further reason that it necessary to immediately extend the E-Group's contract through to assist the County in providing a natural gas aggregation program through the end date of the natural gas supplier's contract.

SECTION 3

Provided this Resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

SECTION 4

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

INTRODUCED March 16, 2009

ADOPTED March 30, 2009

Shirley F. Greer  
CLERK OF COUNCIL

Nick Kerkendall  
PRESIDENT OF COUNCIL

APPROVED March 30, 2009

Russell Smith  
EXECUTIVE

March 30, 2009  
ENACTED EFFECTIVE

Voice Vote: 10-0 YES: Crossland, Schmidt, Comunale, Poda, Prentice Smith, Crawford, Feeman, Rodgers, Kostandaras ABSENT: Shapiro