



**SPECIAL MEETING OF THE CITY COUNCIL
CITY OF JACKSON, MISSISSIPPI**

June 15, 2020

AGENDA

3:00 PM

CALL TO ORDER BY THE PRESIDENT

- 1 ORDER RATIFYING A CONTRACT WITH SIEMENS INDUSTRY, INC. FOR
THE REPLACEMENT OF A CHILLER AT THE CITY BUILDING LEASED
TO THE MISSISSIPPI MUSEUM OF ART**

REPORTS FROM MEMBERS OR DEPARTMENT DIRECTORS

ANNOUNCEMENTS

ADJOURNMENT

OFFICE OF THE CITY ATTORNEY
6-12-2020
[Signature]

**ORDER RATIFYING A CONTRACT WITH SIEMENS INDUSTRY, INC.
FOR THE REPLACEMENT OF A CHILLER AT THE CITY BUILDING
LEASED TO THE MISSISSIPPI MUSEUM OF ART**

WHEREAS, one of the two chiller units used to cool the building the City leases to the Mississippi Museum of Art recently failed and cannot be repaired; and

WHEREAS, without both chillers operating, the building will become uncomfortably hot for visitors and could cause damage to the Museum's collection; and

WHEREAS, the Museum also has an important exhibit scheduled to open at the end of June that may be jeopardized, if the Museum cannot provide adequate temperature control for the building; and

WHEREAS, opening the Museum and providing unique exhibits for public viewing is crucial to bringing visitors to the City during the summer, which will spur spending at City restaurants and hotels and help in the economic recovery needed as a result of the COVID-19 pandemic; and

WHEREAS, the lease agreement requires that the Museum of Art pay one-half the cost of the replacement of any chiller unit; and

WHEREAS, because of the danger to property and the economic impact on the City and the Mississippi Museum of Art that would accompany the delay incident to the competitive procurement process, the Mayor invoked the emergency procurement process, pursuant to Section 31-7-13 (k), a copy of which is attached to this Order and made a part of these minutes; and

WHEREAS, pursuant to the emergency procurement process, a contract is being executed with Siemens Industry, Inc. for the replacement of the chiller, which includes the removal of the old chiller, the purchase of a new chiller unit, the relocation of the second, existing chiller unit, and the installation of the new chiller unit in an amount not to exceed \$235,403.00, of which amount the City will be responsible for paying \$117,701.50, a copy of which is attached to this Order and made a part of these minutes.

IT IS, THEREFORE, ORDERED that a contract with Siemens Industry, Inc. for the replacement of the chiller, which includes the removal of the old chiller, the purchase of a new chiller unit, the relocation of the second, existing chiller unit, and the installation of the new chiller unit in an amount not to exceed \$235,403.00, of which amount the City will be responsible for paying \$117,701.50, is ratified.


IT IS FURTHER ORDERED that the Mayor is authorized to accept from the Museum of Art the amount of \$117,701.50, which constitutes one-half of the estimated cost of replacing the chiller unit at the building the City leases to the Mississippi Museum of Art.


Office of the City Attorney

OFFICE OF THE CITY ATTORNEY
455 East Capitol Street
Post Office Box 2779
Jackson, Mississippi 39207-2779
Telephone: (601) 960-1799
Facsimile: (601) 960-1756
6/15/20

OFFICE OF THE CITY ATTORNEY

This **ORDER RATIFYING A CONTRACT WITH SIEMENS INDUSTRY, INC. FOR THE REPLACEMENT OF A CHILLER AT THE CITY BUILDING LEASED TO THE MISSISSIPPI MUSEUM OF ART** is legally sufficient for placement in NOVUS Agenda.



TIMOTHY C. HOWARD, CITY ATTORNEY
Terry Williamson, Legal Counsel 

6/15/20

DATE

CITY COUNCIL AGENDA ITEM 10 POINT DATA SHEET June 12, 2020
DATE

POINTS		COMMENTS
1.	Brief Description	ORDER RATIFYING A CONTRACT WITH SIEMENS INDUSTRY, INC. FOR THE REPLACEMENT OF A CHILLER AT THE CITY BUILDING LEASED TO THE MISSISSIPPI MUSEUM OF ART
2.	Public Policy Initiative 1. Youth & Education 2. Crime Prevention 3. Changes in City Government 4. Neighborhood Enhancement 5. Economic Development 6. Infrastructure and Transportation 7. Quality of Life	Economic Development Infrastructure and Transportation Quality of Life
3.	Who will be affected	The Mississippi Museum of Art, its patrons and visitors, and the City of Jackson
4.	Benefits	Will prevent damage to existing art collection, allow Museum to move forward with special exhibit, and provide for visitor comfort
5.	Schedule (beginning date)	Upon approval
6.	Location: ■ WARD ■ CITYWIDE (yes or no) Project limits if applicable	Building leased by the Mississippi Museum of Art
7.	Action implemented by: ■ City Department <input checked="" type="checkbox"/> ■ Consultant <input type="checkbox"/>	Mississippi Museum of Art and Care and Maintenance Division of Public Works
8.	COST	Cost to City will be \$117,701.50
9.	Source of Funding ■ General Fund <input checked="" type="checkbox"/> ■ Grant <input type="checkbox"/> ■ Bond <input type="checkbox"/> ■ Other <input type="checkbox"/>	001-45300-6468
10.	EBO participation	ABE _____ % WAIVER yes ___ no ___ N/A _____ AABE _____ % WAIVER yes ___ no ___ N/A _____ FBE _____ % WAIVER yes ___ no ___ N/A _____ HBE _____ % WAIVER yes ___ no ___ N/A _____ NABE _____ % WAIVER yes ___ no ___ N/A _____

**DECLARATION INVOKING THE EMERGENCY
PROCUREMENT PROCEDURE**

I. REQUEST

One of the two chiller units used to cool the building the City leases to the Mississippi Museum of Art has failed. Without both chillers operating, the building will become uncomfortably hot for visitors and could cause damage to the Museum's collection. The Museum also has an important exhibit scheduled to open at the end of June that may be jeopardized, if the Museum cannot provide adequate temperature control. Finally, opening the Museum is crucial to bringing visitors to the City during the summer for this exhibit, which will spur spending at City restaurants and hotels. These visitors are crucial to the economic recovery needed as a result of the COVID-19 pandemic.

Under the terms of the lease between the City and the Mississippi Museum of Art, the Mississippi Museum of Art is responsible for paying half the cost of the replacement of the chiller. The total cost of the work is estimated to be \$235,403.00 based on a proposal from Siemens Industry, Inc.

Accordingly, I request that you declare that this situation constitutes an "emergency" as that term is defined in Section 31-7-1 of the Mississippi Code Annotated of 1972, as amended, and authorize a contract for the replacement of the failed chiller, pursuant to Section 31-7-13 (k) of the Mississippi Code Annotated of 1972, as amended.

As background information to assist in your determination that an emergency existed, I have attached a memorandum from Tony Jones, Deputy Director. I have also obtained the review and approval of the Office of the City Attorney and the Chief Administrative Officer as evidenced by the signatures below.




CHARLES WILLIAMS, JR., P.E., Ph.D.
City Engineer

6/12/20

DATE


II. REVIEWED AND APPROVED



TIMOTHY C. HOWARD
City Attorney

6/15/20

DATE



ROBERT BLAINE
Chief Administrative Officer


6/12/2020

DATE

III. DECLARATION OF EMERGENCY

I hereby determine that the failure of one of the two chiller units at the City building leased to the Mississippi Museum of Art constitutes an emergency as that term is defined under Section 31-7-1 of the Mississippi Code Annotated of 1972, as amended, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interest of the City of Jackson, Mississippi and its citizens, and that a contract for the replacement for the chiller is authorized pursuant to Section 31-7-13 (k) of the Mississippi Code Annotated of 1972, as amended.

According, this request is approved.



CHOKWE A. LUMUMBA *TL*
Mayor

6/15/2020

DATE



MEMORANDUM

TO: Charles Williams, Jr., P.E., Ph.D, City Engineer

FROM: Tony Jones, Deputy Director, Department of Public Works

RE: Emergency Procurement of Chiller for City Building Leased to the Mississippi Museum of Art

DATE: June 12, 2020

One of the two chiller units used to cool the building the City leases to the Mississippi Museum of Art has failed. Without both chillers operating, the building will become uncomfortably hot for visitors during the summer months. I am also advised that prolonged exposure to higher than normal temperatures and increased humidity could cause damage to the Museum's collection. The Museum also has an important exhibit scheduled to open at the end of June that may be jeopardized, if the Museum cannot provide adequate temperature and humidity control. Finally, opening the Museum is crucial to bringing visitors to the City during the summer for this exhibit, which will spur spending at City restaurants and hotels. These visitors are crucial to the economic recovery needed as a result of the COVID-19 pandemic.

Under the terms of the lease between the City and the Mississippi Museum of Art, the Mississippi Museum of Art is responsible for paying half the cost of the replacement. The total cost of the work is estimated to be \$235,403.00 based on a proposal from Siemens Industry, Inc. The Care & Maintenance Division of Public Works has this money currently in its account in a line item for energy performance contracting, account number 001-45300-6468.