

..Explanation

1. BACKGROUND:

- A. **Need.** This legislation authorizes the Director of Public Utilities to modify the professional services agreement with Braun & Steidl Architects, Inc. for the Fairwood Facility Improvements project for the Division of Sewerage and Drainage. The Braun & Steidl Architects, Inc. modification amount requested under this ordinance is \$51,394.00. The contract total including this modification is \$293,555.00. The proposed contract modification provides funding for additional Preliminary and Detailed Design services that became necessary in the course of the design development and for Services During Construction tasks for Contract F31. It is not reasonable or cost effective to undertake a new procurement to acquire these services. The cost of the modification is a continuation of the vendor's current pricing structure, as verified by City staff. The Division has determined that these services cannot be performed by City personnel at this time, and has planned for the procurement of these services on a routine basis.
- B. **Contract Compliance No.:** 341414083 (MAJ) (Expires 06/17/2010)
- C. **Emergency Designation:** The Division of Sewerage and Drainage is requesting City Council to designate this ordinance an emergency measure in order to allow for the immediate commencement of this work. These services are needed immediately and are required to begin simultaneously with the commencement of construction in order to provide professional services pursuant to the proper management and timely completion of the project.

2. FISCAL IMPACT:

This ordinance authorizes the Director of Public Utilities to transfer and appropriate \$51,394.00 in funds from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund for this expenditure; and to amend to the 2008 Capital Improvements Budget to establish sufficient budget authority to cover the expenditure upon passage of the ordinance. Monies for this contract from the Sanitary Sewer Reserve Fund will be provided from an upcoming Bond Sale via the transfer detailed in this Ordinance. [NOTE: I'm not sure if a CIB amendment is necessary, but have included it in case. Delete here and references below if it is not needed.]

..Title

To authorize the Director of Public Utilities to execute a planned contract modification for the professional design services agreement with Braun & Steidl Architects, Inc. for the Fairwood Facility Improvements project; to authorize the appropriation and transfer of \$51,394.00 from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund; to authorize the expenditure of \$51,394.00 from the Voted Sanitary Sewer Bond Fund; to amend the 2008 Capital Improvements Budget, for the Division of Sewerage and Drainage; and to declare an emergency. (\$51,394.00).

..Body

WHEREAS, Contract No. EL008891 was authorized by Ordinance No. 1531-2008, as passed by Columbus City Council on November 3, 2008 for purposes of authorizing the Director of Public Utilities to enter into a contract for professional design services with Braun & Steidl Architects, Inc. for the Fairwood Facility Improvements project; this was executed on November 25, 2008, and was approved by the City Attorney on December 1, 2008 in the amount of \$242,161; and

WHEREAS, it is necessary to modify the subject contract in order to provide funding for additional Detailed Design services that became necessary in the course of the design development and funding for Services During Construction tasks for Contract F31 for the Fairwood Facility Improvements project; and

WHEREAS, it is necessary to authorize the transfer and appropriation of funds from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund for purposes of providing sufficient funding for the aforementioned project expenditure; and

WHEREAS, it is necessary to authorize an amendment to the 2008 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; and

WHEREAS, it is necessary for City Council to authorize the expenditure of funds from the Voted Sanitary Sewer Bond Fund; and

WHEREAS, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project"); and

WHEREAS, an emergency exists in the usual daily operation of the Division of Sewerage and Drainage, Department of Public Utilities, in that it is immediately necessary for this Council to authorize the Director of Public Utilities to modify the aforementioned professional services contract, in order to provide for services during construction pursuant to the proper management and timely and successful construction of the Fairwood Facility Improvements project, for the preservation of the public health, peace, property, and safety; **Now, Therefore,**

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

Section 1. That the Director of Public Utilities be, and hereby is, authorized to modify Contract No. EL008891 with Braun & Steidl Architects, Inc., 234 N. Fifth Street, Columbus, OH 43215, in connection with the Fairwood Facility Improvements project, in accordance with the terms and conditions as shown in the contract modification on file in the office of the Division of Sewerage and Drainage.

Section 2. That from the unappropriated monies in the Sanitary Sewer Reserve Fund No. 654, and from all monies estimated to come into said fund from any and all sources, and unappropriated for any other purpose during the fiscal year ending December 31, 2009, the sum of \$51,394.00 is hereby appropriated to the Division of Sewerage and Drainage: Division 60-05 | OCA Code _____ | Object Level ____ | Object Level Three ____.

Section 3. That the City Auditor is hereby authorized to transfer \$51,394.00 to the Voted Sanitary Sewer Bond Fund 664, into the Fairwood Facility Improvements project, 650510.31, at such time as deemed necessary by the Auditor, and to expend said funds, or so much thereof as may be necessary.

Section 4. That the \$51,394.00 is hereby appropriated for the Fairwood Facility Improvements project, within the Voted Sanitary Sewer Bond Fund | Fund 664 | Division 60-05 | Project 650510.31 | OCA Code ____ | Object Level Three ____.

Section 5. That the 2008 Capital Improvements Budget Ordinance No.0690-2008 is hereby amended as follows, to provide sufficient budget authority for the award of the agreement stated herein.

Project No.	Project Name	Current Authority	Revised Authority	(Change)
650510.31	Fairwood Facility Improvements	\$ _____	\$ _____	(+\$ _____)
650 ____	_____	\$ _____	\$ _____	(-\$ _____)

Section 6. That for the purpose of paying the cost of the professional services contract modification, the following expenditure, or as much thereof as may be needed, be and the same is hereby authorized as

follows: Division 60-05 | Fund 664 | Fairwood Facility Improvements project | Project No. 650510.31 | Object Level _____ | OCA Code _____ | Amount \$51,394.00.

Section 7. That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of the obligations to be issued by the City in a principal amount currently estimated to be \$51,394.00 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

Section 8. That upon obtaining other funds for the purpose of funding sanitary sewer system capital improvement work, the City Auditor is hereby authorized to repay the Sewer System Reserve Fund the amount transferred above, and said funds are hereby deemed appropriated for such purposes.

Section 9. That the City Auditor is hereby authorized to transfer any unencumbered balance in the project account to the unallocated balance within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project; except that no transfer shall be made from a project by monies from more than one source.

Section 10. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

Section 11. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

Section 12. That the contracted firm shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

Section 13. 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 which 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.