



## Legislation Details (With Text)

**File #:** 1584-2023      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 5/18/2023      **In control:** Public Utilities Committee

**On agenda:** 6/26/2023      **Final action:** 6/28/2023

**Title:** To authorize an amendment to the 2022 Capital Improvement Budget; to authorize a transfer of cash and appropriation within the Sanitary Bond Fund; to authorize the Director of Public Utilities to modify and increase a professional engineering services contract with MS Consultants for the Southerly Stormwater and Floodplain Improvements project; to authorize an expenditure of up to \$4,000,000.00 from the Sanitary Bond Fund to pay for the contract modification; and to declare an emergency. (\$4,000,000.00)

**Sponsors:**

**Indexes:** MBE Participation, WBE Participation

**Code sections:**

**Attachments:** 1. ORD 1584-2023 Accounting Template, 2. ORD 1584-2023 Utilization Plan

Date	Ver.	Action By	Action	Result
6/28/2023	1	CITY CLERK	Attest	
6/28/2023	1	CITY CLERK	Attest	
6/27/2023	1	MAYOR	Signed	
6/26/2023	1	COUNCIL PRESIDENT	Signed	
6/26/2023	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

This Ordinance authorizes the Director of Public Utilities to modify and increase the professional engineering services contract with MS Consultants, Inc., for the Southerly Stormwater and Floodplain Improvements project, CIP 650377-100000, in an amount up to \$4,000,000.00 to pay for the first phase of detailed design services.

The City’s wastewater treatment plants require continual development and upgrades in order to keep processes and equipment up-to-date, in compliance, and running well. All site re-development requires compliance with the City of Columbus Stormwater and Drainage Manual as well as the Ohio Environmental Protection Agency (OEPA) Stormwater general permit and Federal Emergency Management Agency (FEMA) requirements. This project will develop and implement the stormwater and floodplain masterplan for the Southerly Wastewater Treatment Plant to achieve and maintain compliance. The Department of Public Utilities (DPU) is planning large scale developments at the facility which will require expansion of the current footprint into the floodplain. This will require significant permitting and environmental mitigation and involves the design and permitting of a levee.

The first phase of this contract performed preliminary engineering and analyzed several alternatives for meeting these regulations while accounting for any unmitigated historical impacts as well as future development. Findings of the initial phase are that a levee is required to accommodate future expansion necessary for an expected increase in flows from new development in the area.

Due to the size and complexity of the project the detailed design will be split into two phases, which are being called Step 2a and Step 2b. Step 2a is the upcoming phase of work and will perform field investigations and develop technical memoranda (TM) required to fully define the environmental permitting, develop proposed environmental mitigation plans, and progress the design through 30% of the design package. Step 2a is expected to cost approximately

\$8,000,000.00 and is anticipated to be funded with two contract modifications of \$4,000,000.00 each.

Project coordination and engineering to support permitting will occur with the following non-City entities: OEPA; US Army Corps of Engineers; Ohio Department of Natural Resources; US Fish and Wildlife; Ohio State Historic Preservation Office; FEMA; and local floodplain administrators; as well as the following City of Columbus offices: Stormwater Regulatory; Recreation and Parks; and One Stop Shop.

The Community Planning Area for this project is 99-Citywide

**1.1 Future Renewals/Modifications:** Three future modifications are planned. Two modifications are anticipated to finish the permitting and complete detailed design of a bid package to construct the chosen alternative. Another modification is anticipated to be needed for engineering services during construction to ensure the design intents are met.

**1.2 Amount of additional funds to be expended: \$4,000,000.00**

Original Contract, Preliminary Design (PO242747)		\$820,064.27
Modification 1 (current request)		\$4,000,000.00
Modification 2 (estimated future request)	\$ 4,000,000.00	
Modification 3 (estimated future request)		\$ 6,000,000.00
Modification 4 (estimated future request)		<u>\$ 10,000,000.00</u>
Contract Total:	\$ 24,820,064.27	

**1.3 Reason other procurement processes are not used:** The current consultant has intricate knowledge about the facility and has performed a significant amount of hydraulic modeling and preliminary design. Continuing the design with the current consultant will be more economical and efficient than a rebid of the project. A new consultant would need to perform significant duplication of efforts in order to become familiar with the work. Modification of the existing contract will also require less time to begin detailed design and permitting of the eventual facility expansion. This permitting work needs to be completed prior to the 4<sup>th</sup> train construction to allow development in the floodplain. This project is complex and time critical, so it is in the City's best interest to maintain services with the current design professional to complete the design.

**1.4 How the cost of renewal was determined:** Through negotiations between MS Consultants and the Department of Public Utilities.

**2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT**

This project will take a holistic approach to site development at the wastewater treatment plant site. It will be more efficient to perform all of the stormwater and floodplain design under one contract, providing compliance to the stormwater and drainage manual, and reducing coordination efforts and delays on other capital projects within the department.

**3. CONTRACT COMPLIANCE INFORMATION**

MS Consultant's contract compliance number is CC-006998 and expires 12/28/23.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) are not required for this contract as no Federal or State funds will be expended on the contract.

**4. MINORITY AND WOMAN OWNED BUSINESS ENTERPRISE & SMALL LOCAL BUSINESS ENTERPRISE PROGRAM**

This contract was put in place prior to the implementation of the City of Columbus MBE/WBE Program and is not subject to the requirements of that program. MS Consultants is classified as a majority company by the City's Office of Diversity and Inclusion. Per the Utilization Plan submitted with this ordinance, MS Consultants plans to use three City-certified MBE/WBE subconsultants on this project for a total spend of \$619,501.60, or about 15.5% of the work.

As part of their proposal, MS Consultants has proposed using the following subconsultants to perform contract work:

COMPANY NAME	CITY/STATE	ODI CERTIFICATION STATUS
Black & Veatch	Columbus, Ohio	MAJ
ASC Group, Inc.	Columbus, Ohio	WBE
Resource International	Columbus, Ohio	WBE
Stone Environmental	Westerville, Ohio	MAJ
DHDC, Inc.	Columbus, Ohio	MBE
CDM Smith	Columbus, Ohio	MAJ
Eagon & Associates	Worthington, OH	MAJ

The certification of the above companies was in good standing at the time of the contract modification.

**5. FISCAL IMPACT**

Funds are available and appropriated within the Sanitary Bond Fund, Fund 6109. An amendment to the 2022 Capital Improvement Budget is needed to align budget authority with the proper project. A transfer of cash and appropriation within the Sanitary Bond Fund is also needed to align cash and appropriation with the proper project.

**6. EMERGENCY DESIGNATION**

Emergency designation is requested for this ordinance. The project needs to start environmental study field work in order not to miss the growing season. If the growing season is missed this could delay the project by a full year and jeopardize the timelines for plant expansion that is necessary to support the anticipated discharges from new development in the area.

To authorize an amendment to the 2022 Capital Improvement Budget; to authorize a transfer of cash and appropriation within the Sanitary Bond Fund; to authorize the Director of Public Utilities to modify and increase a professional engineering services contract with MS Consultants for the Southerly Stormwater and Floodplain Improvements project; to authorize an expenditure of up to \$4,000,000.00 from the Sanitary Bond Fund to pay for the contract modification; and to declare an emergency. (\$4,000,000.00)

**WHEREAS**, there is an existing professional engineering services contract with MS Consultants for the Southerly Stormwater and Floodplain Improvements project; and

**WHEREAS**, it is necessary to authorize a modification to the contract to increase the dollar amount of the contract to fund detailed design of the project; and

**WHEREAS**, the 2022 Capital Improvement Budget must be modified to align budget authority with the proper project; and

**WHEREAS**, it is necessary to authorize a transfer of cash and appropriation within the Sanitary Bond Fund, Fund 6109, to align cash and appropriation with the proper project; and

**WHEREAS**, funds must be expended from the Sanitary Bond Fund, Fund 6109, to pay for the contract modification; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately necessary to authorize the Director to execute the contract modification to prevent a delay in the completion of environmental study field work as such a delay could jeopardize the timelines for plant expansion that is necessary to support the anticipated discharges from new development in the area, thereby preserving the public health, peace, property, safety, and welfare; **NOW, THEREFORE**,

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

**SECTION 1.** That the 2022 Capital Improvement Budget authorized by Ordinance 1896-2022 be amended as follows to establish sufficient budget authority for this project:

**Fund / Project Number / Project Name (Funding Source) / Current Authority / Revised Authority / Change**  
6109 / 650346-100003 / DOSD Electrical Upgrades Program (Voted Sanitary Carryover) / \$9,856,705.00 / \$7,156,705.00 / (\$2,700,000.00)  
6109 / 650377-100000 / Southerly Stormwater and Floodplain Improvements (Voted Sanitary Carryover) / \$1,300,000.00 / \$4,000,000.00 / \$2,700,000.00

**SECTION 2.** That the transfer of \$2,700,000.00 or so much thereof as may be needed, is hereby authorized between projects within the Sanitary Bond Fund, Fund 6109, per the account codes in the attachment to this ordinance.

**SECTION 3.** That the Director of Public Utilities is hereby authorized to modify and increase the professional engineering services contract with MS Consultants, Inc., 2221 Schrock Rd. Columbus, Ohio, 43229, for the Southerly Stormwater and Floodplain Improvements project, in an amount up to \$4,000,000.00.

**SECTION 4.** That an expenditure of \$4,000,000.00, or so much thereof as may be needed, is hereby authorized from the Sanitary Bond Fund, Fund 6109, to pay for this contract modification, per the accounting codes in the attachment to this ordinance.

**SECTION 5.** Funds are hereby deemed appropriated and expenditures and transfers authorized to carry out the purposes of this ordinance and the City Auditor shall establish such accounting codes as necessary.

**SECTION 6.** 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 7.** That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account 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.

**SECTION 8.** That for the reasons stated in the preamble hereto, which is made a part hereof, this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten (10) days after passage if the Mayor neither approves nor vetoes this Ordinance.