



## Legislation Details (With Text)

**File #:** 0450-2024      **Version:** 1

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

**File created:** 2/5/2024      **In control:** Public Utilities & Sustainability Committee

**On agenda:** 3/4/2024      **Final action:** 3/6/2024

**Title:** To authorize the Director of the Department of Public Utilities to enter into a contract modification with Stantec Consulting Services Inc. for the Construction Administration/Construction Inspection Services 2023-2025 contract; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize a transfer of funds from the Sanitary Reserve Fund to the Sanitary Fresh Water Market Rate Fund; to authorize the appropriation of funds; and to authorize the expenditure of \$320,534.69 from the Sanitary Fresh Water Market Rate Fund. (\$320,534.69)

**Sponsors:**

**Indexes:** MBE Participation

**Code sections:**

**Attachments:** 1. ORD 0450-2024 Utilization Form, 2. ORD 0450-2024 Accounting Template

Date	Ver.	Action By	Action	Result
3/6/2024	1	CITY CLERK	Attest	
3/5/2024	1	MAYOR	Signed	
3/4/2024	1	COUNCIL PRESIDENT	Signed	
3/4/2024	1	Columbus City Council	Approved	Pass
2/26/2024	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND

This ordinance authorizes the Director of the Department of Public Utilities to enter into a contract modification with Stantec Consulting Services Inc., for construction administration/inspection services for Department of Public Utilities construction projects bid during the calendar years 2023 through 2025 as part of the Construction Administration/Construction Inspection Services 2023-2025 contracts.

Stantec Consulting Services Inc. will be assigned construction projects as tasks on their contract and will ensure the work is performed to City of Columbus construction standards and specifications. As projects are added to the contract, the contract will be modified to authorize Stantec Consulting Services Inc. to perform the work and to add funding to pay for the work.

This modification is for Stantec Consulting Services Inc. to perform construction administration/inspection services for Inflow Redirection - Noble & 4th project, CIP #650790-100000.

This project is located in the Downtown (55) community area.

#### 1.1. Amount of additional funds to be expended: \$320,534.69

Original Contract:	\$453,854.08 (ORD 0956-2023; PO387786, PO387804, & PO387812)
Modification #1:	\$48,351.00 (ORD 1440-2023; PO407688)
Modification #2:	\$1,607,074.22 (ORD 3042-2023; PO425235, PO425237)
Modification #3:	<u>\$320,534.69 (current)</u>
Total	\$2,429,813.99

**1.2. Reasons additional goods/services could not be foreseen:**

This is a three-year contract for fiscal years 2023 - 2025 for which modifications were anticipated pursuant to the original authorizing legislation under Ordinance 0956-2023 to account for future construction projects being assigned to Stantec Consulting Services Inc. for inspection services. Those future construction projects were not known when the contract was put into place.

**1.3. Reason other procurement processes are not used:**

This is a multi-year contract that will be modified as required to provide construction administration/inspection services for construction projects that bid during the three year (2023-2025) timeframe.

**1.4. How cost of modification was determined:**

The cost of this modification was determined by negotiations between Stantec Consulting Services Inc. and Department of Public Utilities project staff based upon the existing contract labor titles, maximum labor rates, allowable contract expenses, and the time estimated to be needed to perform contract tasks.

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

This project will install new sanitary sewer and repurpose the existing combined sewer to a dedicated storm sewer. By separating the storm and sanitary sewer, the flows in the sanitary sewer can be relieved to reduce water in basement occurrences and overflow into waterways. Other aspects of the project provide improvement to existing storm infrastructure to mitigate drainage/flooding issues.

**3. CONTRACT COMPLIANCE INFORMATION**

Stantec Consulting Services contract compliance number is CC-000462 and expires 7/26/2025.

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

This contract opportunity was submitted to the City's Office of Diversity and Inclusion (ODI) for review and assignment of an MBE/WBE goal prior to bidding. ODI determined there was not an opportunity for MBE/WBE participation in this contract and did not assign a goal. This contract was not bid with a City of Columbus MBE/WBE Program goal and the requirements of the City's MBE/WBE Program are not applicable to this contract. Stantec Consulting Services is classified as a majority owned company by ODI.

The subcontractor Stantec Consulting Services proposes to use for this contract is listed below. DHDC is classified by ODI as a City-certified MBE company and is projected to perform 49.8% of the work on this contract modification.

<u>Company Name</u>	<u>City/State</u>	<u>ODI Certification Status</u>
DHDC	Columbus, Ohio	MBE

Stantec Consulting Services and all subcontractors were in good standing at the time of this contract modification.

**5. FISCAL IMPACT**

Funding for this contract will be obtained through the Ohio Water Development Authority Direct Loan Program. City Council authorized this loan application and acceptance of loan funding via Ordinance 0997-2023, passed by Council on 4/24/23. CIP # 650790-100000 is not listed as a project anticipated to be funded through this loan program in Ordinance 0997-2023. Section 2 of the Ordinance allows the Director of the Department of Public Utilities to add projects to the list per departmental need.

The Ohio Water Development Authority (OWDA) Direct Loan Program is a reimbursement program. A purchase order will need to be established to Stantec Consulting Services Inc. for this contract modification. Public Utilities will need to pay the construction administration and inspection charges directly to Stantec Consulting Services, and then submit reimbursement requests based upon these paid invoices to OWDA for OWDA to reimburse Public Utilities.

A transfer of funds from the Sanitary Reserve Fund, Fund 6102, to the Sanitary Fresh Water Market Rate Fund, Fund 6124, in the amount of \$320,534.69 is needed to fund this contract modification. The transaction is a temporary measure that is required until a loan is executed with OWDA to reimburse the Reserve Fund. The loan is expected to be approved in February, 2024. These funds will also need to be appropriated to be transferred and then appropriated after transfer to the new Fund. An amendment to the 2023 Capital Improvement Budget is needed to align budget authority with the proper project.

To authorize the Director of the Department of Public Utilities to enter into a contract modification with Stantec Consulting Services Inc. for the Construction Administration/Construction Inspection Services 2023-2025 contract; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize a transfer of funds from the Sanitary Reserve Fund to the Sanitary Fresh Water Market Rate Fund; to authorize the appropriation of funds; and to authorize the expenditure of \$320,534.69 from the Sanitary Fresh Water Market Rate Fund. (\$320,534.69)

**WHEREAS**, the Department of Public Utilities advertised a Request for Proposals for Construction Administration/Construction Inspection Services; and

**WHEREAS**, Stantec Consulting Services Inc. was one of six firms selected by the evaluation committee to provide these services; and

**WHEREAS**, Ordinance 1727-2023 authorized the contract with Stantec Consulting Services Inc. for these services and assigned the first task to be performed; and

**WHEREAS**, additional construction inspection/administration tasks needs to be performed; and

**WHEREAS**, the contract with Stantec Consulting Services Inc. will need to be modified to add these tasks to the contract and to add funding to pay for the tasks; and

**WHEREAS**, an amendment to the 2023 Capital Improvement Budget is needed to align budget authority with the proper project; and

**WHEREAS**, it is necessary to both appropriate and transfer funds from the Sanitary Reserve Fund to the Sanitary Fresh Water Market Rate Fund; and

**WHEREAS**, it is necessary to appropriate funds in the Sanitary Fresh Water Market Rate 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 services of the Project described in this Ordinance (collectively, the “Project”); and

**WHEREAS**, funds must be expended to pay for the construction administration and inspection services Stantec Consulting Services Inc. provides under the Construction Administration/Construction Inspection Services 2023-2025 contract for this contract modification; **NOW, THEREFORE**,

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

**SECTION 1.** That the 2023 Capital Improvement Budget authorized by Ordinance 1711-2023 be amended as follows to establish sufficient budget authority for this project:

**Fund / Project Number / Project Name (Funding Source) / Current Authority / Revised Authority / Change**

6124 / 650790-100000 / Inflow Redirection - Noble & 4th St. (OWDA Direct Loan) / \$0.00 / \$320,535.00 / \$320,535.00  
(To match loan amount)

**SECTION 2.** That from the unappropriated monies 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 ended December 31, 2024, the sum of \$320,534.69 is appropriated in Fund 6102 (Sanitary Reserve Fund) per the account codes in the attachment to this ordinance.

**SECTION 3.** That the transfer of \$320,534.69, or so much thereof as may be needed, is hereby authorized from the Sanitary Reserve Fund to the Sanitary Fresh Water Market Rate Fund per the accounting codes in the attachment to this Ordinance.

**SECTION 4.** That the Director of the Department of Public Utilities is authorized to enter into a contract modification for the Construction Administration/Construction Inspection Services 2023-2025 contract with Stantec Consulting Services Inc., 1500 Lake Shore Drive, Suite 100, Columbus, Ohio, 43204, for construction administration and inspection services for the Inflow Redirection - Noble & 4th project, CIP #650790-100000, in accordance with the terms and conditions as shown in the contract on file with the Department of Public Utilities, in an amount not to exceed \$320,534.69.

**SECTION 5.** That from the unappropriated monies 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 ended December 31, 2024, the sum of \$320,534.69 is appropriated in Fund 6124 (Sanitary Fresh Water Market Rate Fund), per the account codes in the attachment to this ordinance.

**SECTION 6.** That an expenditure not to exceed \$320,534.69 is authorized per the accounting codes in the attachment to this Ordinance.

**SECTION 7.** That upon obtaining other funds for the purpose of funding sewer system and water system capital improvement work, the City Auditor is hereby authorized to repay the Sanitary System Reserve Fund, Fund 6102, the amount transferred above (Section 3), and said funds are hereby deemed appropriated for such purposes.

**SECTION 8.** 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 obligations to be issued by the City in a principal amount currently estimated to be \$320,534.69 (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 Sanitary Reserve Fund, Fund 6102, which are the funds from which the advance for costs of the Project will be made.

**SECTION 9.** 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 10.** That the City Auditor is 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 11.** That 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 12.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.