



Legislation Details (With Text)

File #: 1221-2010 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 8/24/2010 **In control:** Utilities Committee

On agenda: 10/18/2010 **Final action:** 10/20/2010

Title: To authorize the Director of Public Utilities to execute a contract modification to the professional engineering services agreement with Burgess & Niple, Inc., for the Jackson Pike Wastewater Treatment Plant B-Plant Secondary Clarifier Upgrade project; transfer within and expend \$194,508.00 in funds from the B.A.B.s (Build America Bonds) Fund, and amend the 2010 Capital Improvements Budget to establish sufficient budget authority for this expenditure for the Division of Sewerage and Drainage. (\$194,508.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. BN Mod 3 LEGISLATION B 080910.pdf, 2. Sub-Contractor WIF 650245-100000.pdf

Date	Ver.	Action By	Action	Result
10/20/2010	1	CITY CLERK	Attest	
10/19/2010	1	MAYOR	Signed	
10/18/2010	1	Columbus City Council	Approved	Pass
10/18/2010	1	COUNCIL PRESIDENT	Signed	
10/4/2010	1	Columbus City Council	Read for the First Time	
9/21/2010	1	Auditor Reviewer	Reviewed and Approved	
9/21/2010	1	CITY AUDITOR	Reviewed and Approved	
9/21/2010	1	Utilities Drafter	Sent for Approval	
9/21/2010	1	CITY ATTORNEY	Reviewed and Approved	
9/21/2010	1	Utilities Drafter	Sent to Clerk's Office for Council	
9/20/2010	1	EBOCO Reviewer	Sent for Approval	
9/20/2010	1	ODI DIRECTOR	Reviewed and Approved	
9/20/2010	1	Utilities Drafter	Sent for Approval	
9/17/2010	1	Finance Reviewer	Reviewed and Approved	
9/17/2010	1	FINANCE DIRECTOR	Reviewed and Approved	
9/17/2010	1	Utilities Drafter	Sent for Approval	
9/16/2010	1	Finance Reviewer	Reviewed and Approved	
9/13/2010	1	UTILITIES DIRECTOR	Reviewed and Approved	
9/13/2010	1	Utilities Drafter	Sent for Approval	
9/8/2010	1	Utilities Reviewer	Reviewed and Approved	
9/8/2010	1	Utilities Reviewer	Sent for Approval	

8/31/2010	1	Utilities Reviewer	Reviewed and Approved
8/31/2010	1	Utilities Drafter	Sent for Approval
8/30/2010	1	Utilities Drafter	Sent for Approval
8/25/2010	1	Utilities Drafter	Sent for Approval

1. **BACKGROUND:**

A. **Need.** This legislation authorizes the Director of Public Utilities to modify the professional engineering services agreement with Burgess & Niple, Inc., for the Jackson Pike Wastewater Treatment Plant B-Plant Secondary Clarifier Upgrade project. The Burgess & Niple, Inc. modification amount requested under this ordinance is \$194,508.00. The contract total including this modification is \$6,783,193.00. The proposed contract modification provides funding for additional Services during Construction and Commissioning tasks for Contract J210. The potential need for this work was foreseen as construction progressed and is therefore a continuation of the services originally included within the existing contract's scope of service. It is not deemed either feasible or reasonable to suspend work with the entity currently under contract and undertake continuation of these services with another provider.

Amount of additional funds to be expended: \$194,508.00.00

Original Contract	\$ 872,190.00
Modification No. 1	\$ 3,408,252.00
Modification No. 2	\$ 2,308,243.00
Proposed Modification No. 3	\$ 194,508.00
CURRENT PROPOSED TOTAL	\$ 6,783,193.00

Reasons additional goods/services could not be foreseen:

This Contract Modification No. 3 is a continuation of the services included within the existing contract's scope of service and was anticipated as construction progressed. The effort required for several construction-phase engineering services tasks and the commissioning assistance task were beyond the level originally estimated and included in the contract.

Reason other procurement processes are not used:

The funding provided by this contract modification is for completion of the existing work of the contract. Due to the highly complex and technical nature of this wastewater treatment plant infrastructure, it is not reasonable or cost efficient to undertake a new procurement effort to acquire these services. The process for initiating a new procurement, and for a new entity to gain understanding of the project, may cause project delays and additional cost.

How cost of modification was determined:

A cost proposal was provided by Burgess & Niple, Inc. and reviewed by the Division of Sewerage and Drainage and was deemed acceptable. The cost of this contract modification is consistent with the overhead, and profit rates established within the original proposal. The cost of this contract modification updates the direct labor rates from the original 2005 proposal.

B. **Contract Compliance No.:** 31-0885550 | (MAJ) | (Expires 12/10/2010)

C. **Emergency Designation:** Emergency designation is not requested.

2. **FISCAL IMPACT:**

This ordinance authorizes the Director of Public Utilities to transfer within and expend \$194,508.00 in funds from the B.A.B.s (Build America Bonds) Fund for this expenditure and amend the 2010 Capital Improvements Budget to establish sufficient budget authority.

To authorize the Director of Public Utilities to execute a contract modification to the professional engineering services agreement with Burgess & Niple, Inc., for the Jackson Pike Wastewater Treatment Plant B-Plant Secondary Clarifier Upgrade project; transfer within and expend \$194,508.00 in funds from the B.A.B.s (Build America Bonds) Fund, and amend the 2010 Capital Improvements Budget to establish sufficient budget authority for this expenditure for the Division of Sewerage and Drainage.

(\$194,508.00)

WHEREAS, Contract No. EL005606 was authorized by Ordinance No. 0908-2005, as passed by Columbus City Council on July 25, 2005 for purposes of authorizing the Director of Public Utilities to enter into a contract for professional engineering services with Burgess and Niple, Inc. for the Jackson Pike Wastewater Treatment Plant B-Plant Secondary Clarifier Upgrade project, for the Division of Sewerage and Drainage; and

WHEREAS, Modification No.1, EL007382 for \$3,408,252.00 was authorized by Ordinance 1327-2007, passed October, 1, 2007, was executed October 22, 2007, and was approved by the City Attorney on October 26, 2007, and

WHEREAS, Modification No. 2, EL007799 for \$2,308,243.00 was authorized by Ordinance 0201-2008, passed February 25, 2008, was executed March 10, 2008, and was approved by the City Attorney March 14, 2008, and

WHEREAS, it is necessary to modify the subject contract in order to provide funding for additional construction-phase engineering and commissioning assistance services now needed during construction of Contract J210 of the project construction; and

WHEREAS, it is necessary to authorize the transfer within funds from the Sanitary B.A.B. (Build America Bonds) Fund in the amount of \$194,508.00 for purposes of providing sufficient funding for the aforementioned project expenditure; and

WHEREAS, it is necessary for City Council to authorize the expenditure of funds from the Sanitary B.A.B.s (Build America Bonds) Fund; and

WHEREAS, it is necessary to authorize an amendment to the 2010 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditures and

WHEREAS, the Division of Sewerage and Drainage, Department of Public Utilities is requesting that this Council authorize the Director of Public Utilities to modify the professional engineering services agreement with Burgess and Niple, Inc. for the Jackson Pike Wastewater Treatment Plant B-Plant Secondary Clarifier Upgrade project, at the earliest practical date for the preservation of the public health, welfare, peace, property, safety, and; **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. EL005606 with Burgess and Niple, Inc., 5085 Reed Road, Columbus, Ohio 43220, for professional engineering services for the Jackson Pike Wastewater Treatment Plant B-Plant Secondary Clarifier Upgrade Project, in order to provide the professional engineering services 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 the City Auditor is hereby authorized to transfer of \$194,508.00 within the Department of Public Utilities, Division of Sewerage and Drainage, Dept/Div. No. 60-05, Sewerage and Drainage Sanitary B.A.B.s (Build America Bonds) Fund, Fund No. 668, Object Level Three 6676, as follows:

From:

Project No. | Project Name | OCA Code | Change

650351-100001 | Wastewater Treatment Facilities Construction and Contingencies | 664351 | (-\$194,508.00)

To:

Project No. | Project Name | OCA Code | Change

650245-100000 | Jackson Pike Wastewater Treatment Plant B-Plant Secondary Clarifier Upgrade | 668245 | (+\$194,508.00)

Section 3. That the Director of Public Utilities be and hereby is authorized to expend a total of \$194,508.00 from the Sanitary B.A.B.s (Build America Bonds) Fund from the Jackson Pike Wastewater Treatment Plant B-Plant Secondary Clarifier Upgrade | Fund 668 | Div. 60-05 | Proj. 650245-100000 | 668245 | Object Level Three 6676.

Section 4. That the 2010 Capital Improvements Budget Ordinance 0564-2010 is hereby amended as follows, to provide sufficient budget for the award of the agreement stated herein:

Project No. | Project Name | Current Authority | Revised Authority | (Change)

650351-100001 | Wastewater Treatment Facilities Construction and Contingencies | \$672,633 | \$478,125 | (-\$194,508)

650245-100000 | Jackson Pike Wastewater Treatment Plant B-Plant Secondary Clarifier Upgrade | \$0 | \$194,508 | (+\$194,508)

Section 5. 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 6. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

Section 7. 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 8. That the said 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 9. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.