



## Legislation Details (With Text)

**File #:** 3098-2023      **Version:** 1

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

**File created:** 10/31/2023      **In control:** Public Utilities Committee

**On agenda:** 12/4/2023      **Final action:** 12/7/2023

**Title:** To authorize the Director of Public Utilities to enter into contracts with Ethosoft, Inc. for the DOSD and DOW Lab Information Management System (LIMS) Upgrade project; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize a transfer of funds from the Sanitary Reserve Fund and the Water Reserve Fund to the Sanitary Fresh Water Market Rate Fund and to the Water Fresh Water Market Rate Fund; to authorize the appropriation of funds; and to expend up to \$831,809.00 from Sanitary Fresh Water Market Rate Fund and the Water Fresh Water Market Rate Fund. (\$831,809.00)

### Sponsors:

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### Code sections:

**Attachments:** 1. ORD 3098-2023 Accounting Template, 2. ORD 3098-2023 Utilization

Date	Ver.	Action By	Action	Result
12/7/2023	1	CITY CLERK	Attest	
12/6/2023	1	ACTING MAYOR	Signed	
12/4/2023	1	COUNCIL PRESIDENT	Signed	
12/4/2023	1	Columbus City Council	Approved	Pass
11/20/2023	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND

This ordinance authorizes the Director of Public Utilities to enter into contracts with Ethosoft, Inc. for professional services and installation services for the DOSD and DOW Lab Information Management System (LIMS) Upgrade project, CIP #650665-100001 / 690572-100000, in an amount up to \$831,809.00.

The City operates a Division of Water (DOW) Water Quality Assurance Laboratory (WQAL) and Division of Sewerage and Drainage (DOSD) Surveillance Laboratory. Currently each lab has a different process for information management, both of which are outdated and don't meet the workflows of the labs. This project will provide a Laboratory Information Management System (LIMS) for both labs to meet the current and future needs of these laboratories and to maintain regulatory compliance. Implementation of the LIMS program in both labs will streamline information input, usage, and reporting for regulatory compliance. Both labs are essential and integral components in the City of Columbus water supply and treatment infrastructure. Adequate safe supply of water and wastewater treatment is essential to economic growth.

This project will provide configuration, installation implementation, training, and annual ongoing licensing, maintenance, and support of the LIMS software. This contract will incorporate the implementation of the LIMS system and five years of licensing and support of the LIMS software. Licensing and software support will need to continue after this initial five-year period for the remaining life of the system. It is anticipated this continuing support will be done in new five-year contracts and awarded through a waiver of the City's competitive bidding process due to licensing and software support only being available through a single company.

The Community Planning Area is 99 Citywide.

**TIMELINE:** It is anticipated this project will have two contracts for the initial term of this project. One contract will cover implementation of the LIMS System and the first year of licensing and software support. The term of this contract will be from issuance of a Notice to Proceed authorizing the start of work to final acceptance of the system by the City. The second contract will start when the licensing and software support for the first contract ends and covers the next four years of licensing and support.

**ESTIMATED COST OF PROJECT:** The price of the LIMS implementation and licensing and software support for the first five years of the system life has been established and set as shown below in the Original Contracts amount. Additional funds are not anticipated to be needed for the original contracts. The City will need ongoing licensing and support for the life of the LIMS software that will extend beyond the terms of the initial contracts. That pricing is unknown at this time and will be negotiated and legislated for the implementation of the next licensing and support contract.

Original Contracts	\$	831,809.00
Future Anticipated Needs (original contracts only)	\$	0.00
<b>ORIGINAL CONTRACTS TOTAL</b>	<b>\$</b>	<b>831,809.00</b>

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

Currently each lab has a different process for information management, both of which are outdated and don't meet the work flows of the labs. Implementation of the LIMS program in both labs will streamline information input, usage, and reporting for regulatory compliance. Both labs are essential and integral components in the City of Columbus water supply and treatment infrastructure. Adequate safe supply of water and wastewater treatment is essential to economic growth. Public informational meetings are not anticipated for this project.

## 3. BID INFORMATION

This project was formally advertised on the Vendor Services and Bonfire websites and opened 9/23/22. Seven proposals were received:

<u>Name</u>	<u>C.C. No.</u>	<u>Exp. Date</u>	<u>City/State</u>	<u>Status</u>
Ethosoft, Inc.	None	N/A	Norcross, GA	N/A
Clinisys, Inc.	None	N/A	Tucson, AZ	N/A
Promium, LLC.	None	N/A	Bothell, WA	N/A
LabVantage Solutions, Inc.	None	N/A	Somerset, NJ	N/A
Quality Systems International Corp.	None	N/A	Ramsey, NJ	N/A
STARLIMS Corporation	None	N/A	Hollywood, FL	N/A
AgileBio, LLC.	None	N/A	San Diego, CA	N/A

All proposals were deemed responsive. The evaluation committee reviewed the proposals and recommended the contract for the DOSD and DOW Lab Information Management System (LIMS) Upgrade project be awarded to Ethosoft, Inc.

Ethosoft, Inc. is not in good standing with the City at the time of this contract award because they are not contract compliant.

## 4. CONTRACT COMPLIANCE INFORMATION

Ethosoft, Inc. is not currently contract compliant with the City and will need to become compliant before the contract can be executed.

## 5. MINORITY AND WOMAN OWNED BUSINESS ENTERPRISE & SMALL LOCAL BUSINESS ENTERPRISE PROGRAM

This contract was bid with an anticipated City of Columbus MBE/WBE Program goal of 0% as assigned by the City's Office of Diversity and Inclusion (ODI) and is not subject to the requirements of that program. Ethosoft is classified by

ODI as a Majority company and does not have plans to use a subconsultant for this contract. The MBE/WBE percentage for this contract is anticipated to be 0%.

## **6. 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 #650665-100000 / 690572-100000 are not listed as projects 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. Purchase orders will need to be established to Ethosoft, Inc. for these contracts. Public Utilities will need to pay invoices directly to Ethosoft, Inc., 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 \$415,904.50, and a transfer of funds from the Water Reserve Fund, Fund 6003, to the Water Fresh Water Market Rate Fund, Fund 6014, in the amount of \$415,904.50, are needed to fund this contract. These transactions are a temporary measure that are required until a loan is executed with OWDA to reimburse both Reserve Funds. The loan is expected to be approved in December, 2023. These funds will also need to be appropriated to be transferred and then appropriated after transfer to the new Funds. An amendment to the 2023 Capital Improvement Budget is needed to align budget authority with the proper project.

To authorize the Director of Public Utilities to enter into contracts with Ethosoft, Inc. for the DOSD and DOW Lab Information Management System (LIMS) Upgrade project; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize a transfer of funds from the Sanitary Reserve Fund and the Water Reserve Fund to the Sanitary Fresh Water Market Rate Fund and to the Water Fresh Water Market Rate Fund; to authorize the appropriation of funds; and to expend up to \$831,809.00 from Sanitary Fresh Water Market Rate Fund and the Water Fresh Water Market Rate Fund. (\$831,809.00)

**WHEREAS**, the Department of Public Utilities is engaged in the DOSD and DOW Lab Information Management System (LIMS) Upgrade project; and

**WHEREAS**, a Request for Proposals was issued for that project; and

**WHEREAS**, Ethosoft, Inc. was selected by the Department of Public Utilities to provide services for the project; and

**WHEREAS**, it is necessary to contract with Ethosoft to provide services for the project; and

**WHEREAS**, Ordinance 0997-2023 authorized the use of loans from the Ohio Water Development Authority (OWDA) Direct Loan Program to finance Public Utilities projects; and

**WHEREAS**, loan applications will be submitted to OWDA to finance this project; 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 between the Sanitary Reserve Fund and the Water Reserve Fund to the Sanitary Fresh Water Market Rate Fund and the Water Fresh Water Market Rate Fund; and

**WHEREAS**, it is necessary to appropriate funds in the Sanitary Fresh Water Market Rate Fund and the Water 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 services Ethosoft, Inc. provides under the DOSD and DOW Lab Information Management System (LIMS) Upgrade contract; and **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 / 650665-100001 / DOSD LIMS Upgrade (OWDA Direct Loan) / \$0.00 / \$415,905.00 / \$415,905.00 (To match loan amount)

6014 / 690572-100000 / DOW LIMS Upgrade (OWDA Direct Loan) / \$0.00 / \$415,905.00 / \$415,905.00 (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, 2023, the sum of \$831,809.00 is appropriated in Fund 6102 (Sanitary Reserve Fund), and Fund 6003 (Water Reserve Fund) per the account codes in the attachment to this ordinance.

**SECTION 3.** That the transfer of \$831,809.00, or so much thereof as may be needed, is hereby authorized between the Sanitary Reserve Fund and the Water Reserve Fund to the Sanitary Fresh Water Market Rate Fund and to the Water Fresh Water Market Rate Fund per the accounting codes in the attachment to this Ordinance.

**SECTION 4.** That the Director of Public Utilities is authorized to enter into contracts for the DOSD and DOW Lab Information Management System (LIMS) Upgrade project with Ethosoft, Inc., 6050 Peachtree Pkwy, Suite 240 #249 Norcross, GA 30092, for professional services and installation services, 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 \$831,809.00.

**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, 2023, the sum of \$831,809.00 is appropriated in Fund 6124 (Sanitary Fresh Water Market Rate Fund), and Fund 6014 (Water Fresh Water Market Rate Fund) per the account codes in the attachment to this ordinance.

**SECTION 6.** That an expenditure not to exceed \$831,809.00 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, and the Water Reserve Fund, Fund 6003, 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 \$831,809.00 (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 Sanitary Reserve Fund, Fund 6102, and the Water Reserve Fund, Fund 6003, 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.** 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.