



Legislation Details (With Text)

File #: 0369-2015 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 1/28/2015 **In control:** Public Utilities Committee

On agenda: 3/9/2015 **Final action:** 3/11/2015

Title: To authorize the Director of Public Utilities to modify and increase the professional engineering services agreement with Burgess and Niple, Inc. for the Hap Cremean Water Plant (HCWP) Treatment Improvements Project; for the Division of Water; to authorize a transfer and expenditure up to \$1,510,000.00 from the Water Permanent Improvements Fund; and to amend the 2014 Capital Improvements Budget. (\$1,510,000.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD 0369-2015 Information, 2. ORD 0369-2015 Sub ID, 3. ORD 0369-2015 map

Date	Ver.	Action By	Action	Result
3/11/2015	1	CITY CLERK	Attest	
3/10/2015	1	MAYOR	Signed	
3/9/2015	1	COUNCIL PRESIDENT	Signed	
3/9/2015	1	Columbus City Council	Approved	Pass
3/2/2015	1	Columbus City Council	Read for the First Time	

1. BACKGROUND: This Ordinance authorizes the Director of Public Utilities to modify and increase the professional engineering services agreement with Burgess and Niple, Inc. for the Hap Cremean Water Plant (HCWP) Treatment Improvements Project, for Division of Water Contract No. 1151.

The original agreement as well as Modification No. 1 provided preliminary and detailed design of the project.

During the preliminary and detailed design phases, the design team encountered numerous issues that affected the implementation of the new treatment process requiring additional design services that were not anticipated in the original scope of services. These additional design services as well as Engineering Services During Construction were addressed under Modification No. 2.

Modification No. 3 (current) is a continuation of Engineering Services During Construction as defined in Modification No. 2, in addition to the following: conduct an electrical arc flash study that enhances safety for plant maintenance staff; provide additional shop drawing review services related to the ozone system; and provide increased assistance with startup and commissioning of the ozone system.

1.1 Amount of additional funds to be expended: \$1,510,000.00

Original Agreement Amount:	\$ 4,259,792.00	(EL010296)
Modification 1	\$ 452,000.00	(EL012665)
Modification 2	\$ 7,163,346.00	(EL013741)
Modification 3 (current)	<u>\$ 1,510,000.00</u>	
Total (Orig. + Mods.1-3)	\$13,385,138.00	

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

Several unanticipated conditions were encountered during construction including: an extended construction schedule resulting from approved change orders; unforeseen field conditions; higher than expected level of effort for shop drawing review work; unanticipated efforts to accommodate an alternate ozone system; higher than expected level of effort for startup and commissioning of the ozone system; and the inclusion of an arc flash study. These changes have impacted management of the project, oversight of subconsultants, interaction with the Construction Management Team, Programming Team, Contractor, Subcontractors, Plant, and City staff.

1.3. Reason other procurement processes are not used:

The consultant team has performed all engineering services to date for this project, including Preliminary Design, Detailed Design, and a portion of the needed Engineering Services During Construction. The process of selecting and contracting with a new consultant team at this time and having them oversee work designed by another consultant would delay construction, introduce unwanted risk to the City, and result in additional costs to the City that would significantly exceed the cost of this modification.

1.4. How cost of modification was determined:

The Consultant prepared a fee proposal that included costs for services provided and estimated costs for services to be provided during the remainder of construction period. City staff reviewed the estimate and a mutually agreeable cost was negotiated between DOW Administration and senior staff at Burgess & Niple, Inc.

2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT: This project is necessary to comply with rules promulgated by the Ohio Environmental Protection Agency. The HCWP is an essential and integral component in the Columbus area water supply and treatment infrastructure. Adequate supply of water is essential to economic growth and development. The plant is a secure site on property owned by Department of Public Utilities. No community outreach or input was sought in the development of the project. Burgess and Niple indicated a corporate philosophy of environmental conservation and sustainable business practices. LEED practices are being implemented for the new building Ozone Production Building currently being constructed as part of this project.

3. CONTRACT COMPLIANCE INFO: 31-0885550, expires 9/12/16, Majority

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Burgess and Niple, Inc.

4. FISCAL IMPACT: A transfer of funds within the Water Permanent Improvements Fund will be necessary, as well as an amendment to the 2014 Capital Improvements Budget. *Appropriation for Fund 608, Project No. 690370-100000 is contingent upon passage of Ordinance No. 2969-2014.

To authorize the Director of Public Utilities to modify and increase the professional engineering services agreement with Burgess and Niple, Inc. for the Hap Cremean Water Plant (HCWP) Treatment Improvements Project; for the Division of Water; to authorize a transfer and expenditure up to \$1,510,000.00 from the Water Permanent Improvements Fund; and to amend the 2014 Capital Improvements Budget. (\$1,510,000.00)

WHEREAS, Contract No. EL010296 with Burgess and Niple, Inc. was authorized by Ordinance No. 0403-2010, passed April 5, 2010, was executed on May 5, 2010, and approved by the City Attorney on May 10, 2010; and

WHEREAS, Modification No. 1 (EL012665) to Contract No. EL010296 with Burgess and Niple, Inc. was authorized by Ordinance No. 0525-2014, passed March 26, 2014, was executed on April 12, 2014, and approved by the City Attorney

on May 1, 2014; and

WHEREAS, Modification No. 2 (EL013741) to Contract No. EL010296 with Burgess and Niple, Inc. was authorized by Ordinance No. 2008-2012, passed October 22, 2012, was executed on November 23, 2012, and approved by the City Attorney on November 30, 2012; and

WHEREAS, Modification No. 3 is needed to provide a continuation of Engineering Services During Construction; and

WHEREAS, it is necessary for this Council to authorize the transfer and expenditure of funds within the Water Permanent Improvements Fund, for the Division of Water; and

WHEREAS, it is necessary to authorize an amendment to the 2014 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; and

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Utilities, Division of Water, to authorize the Director of Public Utilities to modify and increase the professional engineering services agreement with Burgess and Niple, Inc., for the Hap Cremean Water Plant Treatment Improvements Project, for the preservation of 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 Director of Public Utilities is hereby authorized and directed to modify and increase the professional engineering services agreement with Burgess and Niple, Inc. for the Hap Cremean Water Plant Treatment Improvements Project, in the amount of \$1,510,000.00.

SECTION 2. That this agreement modification is in compliance with Chapter 329 of Columbus City Codes.

SECTION 3. That the City Auditor is hereby authorized to transfer \$1,510,000.00 within the Department of Public Utilities, Division of Water, Water Permanent Improvements Fund, Fund No. 608, Dept/Div. No. 60-09, Object Level Three 6677, as follows:

Fund No. | Project No. | Project Name | OCA Code | Change

608 | 690370-100000 (carryover) | Upground Reservoir | 608380 | -\$1,510,000.00

608 | 690430-100001 (carryover) | HCWP Trmt. Imp's | 684301 | +\$1,510,000.00

SECTION 4. That the 2014 Capital Improvements Budget is hereby amended as follows:

Fund No. | Proj. No. | Proj. Name | Current Authority | Revised Authority | Change

608 | 690370-100000 (carryover) | Upground Reservoir | \$2,904,575 | \$1,394,575 | -\$1,510,000

608 | 690430-100001 (carryover) | HCWP Trmt. Imp's | \$0 | \$1,510,000 | +\$1,510,000

SECTION 5. That the expenditure up to \$1,510,000.00 is hereby authorized for the Hap Cremean Water Plant Treatment Improvements Project within the Water Permanent Improvements Fund, Fund No. 608, Division 60-09, Project No. 690430-100001 (carryover), Object Level Three 6677, OCA Code 684301.

SECTION 6. That the City Auditor is hereby authorized and directed 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 no longer required for said project; except that no transfer shall be made from a project account by monies from more than one source.

SECTION 7. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 8. That the City Auditor is authorized to make any accounting changes to revise the funding source for all

agreements or agreement modifications associated with this Ordinance.

SECTION 9. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.