



## Legislation Details (With Text)

**File #:** 2781-2015      **Version:** 1

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

**File created:** 11/1/2015      **In control:** Public Utilities Committee

**On agenda:** 3/21/2016      **Final action:** 3/24/2016

**Title:** To authorize the Director of Public Utilities to modify the professional engineering services agreement with Brown and Caldwell for the Blueprint Clintonville Cooke/Glenmont Project (Mod #2); to authorize the appropriation and transfer of \$500,000.00 from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation (G.O.) Bond Fund; to authorize the expenditure of up to \$500,000.00 from the Sanitary Sewers General Obligation Bond Fund; and to amend the 2015 Capital Improvements Budget. (\$500,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 2781-2015 650870.5-Director's Legislation Info Sheet Mod #2, 2. Ord 2781-2015 SWIF 650870-5 Mod 2, 3. Ord 2781-2015 Legislative Template V2 650870-5 020516

Date	Ver.	Action By	Action	Result
3/24/2016	1	CITY CLERK	Attest	
3/24/2016	1	MAYOR	Signed	
3/21/2016	1	COUNCIL PRESIDENT	Signed	
3/21/2016	1	Columbus City Council	Approved	Pass
3/14/2016	1	Columbus City Council	Read for the First Time	

**1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to modify the professional engineering agreement with Brown and Caldwell for the Blueprint Clintonville Cooke/Glenmont Project (Mod #2), CIP 650870-100005. It is the objective of the City to mitigate overflows of Designed Sewer Relief (DSR) 335 to the 10-year Level of Service (LOS). The City will evaluate and determine if this LOS is best achieved with strictly Inflow & Infiltration (I & I) elimination with Green Infrastructure (GI) or in combination with some gray infrastructure.

To accomplish this objective, the original scope of work for this project included all the requisite investigation, evaluation, formulation, and design to produce fully independent construction documents for the remediation of inflow and infiltration (I & I), green infrastructure (GI) technologies and other related activities and/or documents necessary for project completion.

This is a planned contract modification that provides funds to complete the tasks associated with bidding procurement, engineering services during construction, and record planning.

### MODIFICATION INFORMATION

**1.1 Amount of additional funds to be expended: \$500,000.00**

Original Contract Amount (\$):	\$ 905,490.09
Modification #1:	\$ 365,000.00
Modification #2: (Current)	<u>\$ 500,000.00</u>
<b>Total</b>	<b>\$1,770,490.09</b>

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

This was an anticipated modification. It is a planned continuation of the services originally included within the existing contract's scope of service.

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

Re-bid of the project under the new requirements will likely result in a higher project costs as much of the project history would be lost and required to be rediscovered by another consultant unless won by the same consultant. In such a case, we would have wasted significant time in acquiring and evaluating the new proposals without significant benefit.

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

The costs of Mod #2 were determined by negotiations between Brown and Caldwell and DOSD.

**2. THE PROJECT TIMELINE:** It is anticipated that the construction plans will be completed in early 2016 which will allow for the project to be advertised for construction in early 2016 with project completion estimated in four years.

**3. EMERGENCY DESIGNATION:** An emergency designation **is not requested** at this time.

**4. CONTRACT COMPLIANCE No.:** 94-1446346 | MAJ | Exp. 08/26/2017

**5. ENVIRONMENTAL IMPACT:** The City has embarked upon its approved Wet-Weather Management Plan (WWMP). Currently, that plan is almost entirely comprised of a series of treatment plant capacity upgrades, storage tanks, tunnels, and other piping system augmentations; collectively known as "gray" infrastructure. After approval of the WWMP, the use of more renewable, sustainable, and environmentally friendly systems, commonly referred to as "green" infrastructure, has been recognized and implemented in many communities as a potential solution to many of the elements associated with consent order requirements.

It is anticipated there will be a greater impact to both economic impact and advantages by implementing a group of smaller projects which would be conducive for competition with local suppliers and vendors as opposed to the large scale, previously devised, WWMP projects. Community and Outreach for the project will be conducted by the City, the selected consultant and the Public Outreach Consultant, Brown and Caldwell, which is currently under contract for this work.

**6. FISCAL IMPACT:** This ordinance authorizes the appropriation and transfer of \$500,000.00 from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation (G.O.) Bond Fund, Fund 6109; to authorize the creation of sufficient budget authority; to authorize the expenditure of up to \$500,000.00 from the G.O. Bond Fund, Fund 6109 and to amend the 2015 Capital Improvements Budget to establish sufficient budget authority for this ordinance. Monies for this contract from the Sanitary Sewer Reserve Fund will be provided from a future Bond Sale via the transfer detailed in this ordinance.

To authorize the Director of Public Utilities to modify the professional engineering services agreement with Brown and Caldwell for the Blueprint Clintonville Cooke/Glenmont Project (Mod #2); to authorize the appropriation and transfer of \$500,000.00 from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation (G.O.) Bond Fund; to authorize the expenditure of up to \$500,000.00 from the Sanitary Sewers General Obligation Bond Fund; and to amend the 2015 Capital Improvements Budget. (\$500,000.00)

**WHEREAS**, it is the objective of the City to mitigate overflows of DSR 335 to the 10-year LOS. The City will evaluate and determine if this LOS is best achieved with strictly I & I elimination with GI or in combination with some gray infrastructure; and

**WHEREAS**, the original contract number EL014346 was authorized by Ordinance No. Ord 0800-2013 passed by the Columbus City Council on April 22, 2013, executed by the Director of Public Utilities May 20, 2013, approved by the

City Attorney on May 23, 2013, and certified by the City Auditor on May 24, 2013; and

**WHEREAS**, the original contract number EL016660 was authorized by Ordinance No. 2685-2014 by the Columbus City Council on December 15, 2014; executed by the Director of Public Utilities January 26, 2015, approved by the City Attorney on January 28, 2015, and certified by the City Auditor on January 29, 2015,; and

**WHEREAS**, it is necessary to authorize the appropriation and transfer of \$500,000.00 from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation (G.O.) Bond Fund; and

**WHEREAS**, it is necessary for City Council to authorize the expenditure of up to \$500,000.00 from the Sanitary Sewer System GO Bond Fund, Fund 6109; and

**WHEREAS**, it is necessary to amend the 2015 Capital Improvements Budget for purposes of creating and providing sufficient budget authority for the aforementioned expenditures; and

**WHEREAS**, this transfer should be considered as a temporary funding method; and

**WHEREAS**, the City will sell notes or bonds to fund this project and will reimburse the Sanitary Reserve 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 project described in this ordinance (the "Project"); and

**WHEREAS**, it has become necessary in the usual daily operation of the Division of Sewerage and Drainage, Department of Public Utilities, to authorize the Director of Public Utilities to modify the professional engineering services agreement with Brown and Caldwell for the Blueprint Clintonville Cooke / Glenmont Project (Mod #2), at the earliest practical date 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 the professional engineering services agreement Brown and Caldwell 4700 Lakehurst Court, Columbus, Ohio 43016, for the Blueprint Clintonville Cooke/Glenmont Project (Mod #2) in accordance with the terms and conditions as shown in the agreement on file in the office of the Division of Sewerage and Drainage.

**SECTION 2.** That from the unappropriated monies in the Sanitary Sewer Reserve Fund No. 6102, Subfund 61203, 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 ending December 31, 2015, the sum of \$533,182.99 is hereby appropriated to the Division of Sewerage and Drainage.

**SECTION 3.** That the City Auditor is hereby authorized to transfer and appropriate a total \$533,182.99 from the Sanitary Sewer Reserve Fund to the Sanitary Sewer Bond Fund, Fund 6109, into the Blueprint Clintonville Cooke / Glenmont Project (Mod #2), CIP 650870-100005. Please see the attached funding template.

**SECTION 4.** That the Director of Public Utilities be and hereby is authorized to expend up to \$500,000.00 from the Sanitary Sewer General Obligation Bond Fund, Fund 6109, per the accounting codes listed in the attached funding template.

**SECTION 5.** That the 2015 Capital Improvements Budget is hereby amended as follows:

<b>Fund No.</b>	<b>Project No.</b>	<b>Project Name</b>	<b>Current</b>	<b>Revised</b>	<b>(Change)</b>
664	650579-100000	Sunbury Rd / Sycamore Knoll Dr.	\$300,000	100,000	(-\$200,000)
664	650870-100005	Blueprint Clintonville Cooke/Glenmont	\$300,000	\$500,000	(+\$200,000)

**SECTION 6.** That the said firm, Brown and Caldwell, shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

**SECTION 7.** 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 8.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**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 upon obtaining other funds for the purpose of funding sanitary sewer system capital improvement work, the City Auditor is hereby authorized to repay the Sanitary Sewer Reserve Fund the amount transferred above in Section 2 and Section 3, and said funds are hereby deemed appropriated for such purposes.

**SECTION 11.** 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 \$500,000.00 (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 fund from which the advance for costs of the Project will be made.

**SECTION 12.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.