



Legislation Details (With Text)

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File created: 9/26/2018 **In control:** Public Utilities Committee

On agenda: 11/5/2018 **Final action:** 11/7/2018

Title: To authorize the Director of Public Utilities to renew an existing engineering agreement with Smoot Construction Company for Professional Construction Management Services for the Lockbourne Intermodal Subtrunk project; to authorize a transfer within and an expenditure of up to \$4,129,954.75 from the Sanitary Sewer General Obligation (G.O.) Bond Fund; to amend the 2018 Capital Improvements Budget; and to declare an emergency. (\$4,129,954.75).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ord 2742-2018 Director's Legislation Information Sheet (491.6 mod 2), 2. Ord 2742-2018 Subcontractor Utilization Form PCM R#2, 3. Ord 2742-2018 DAX Financial Form 650491-100006

Date	Ver.	Action By	Action	Result
11/7/2018	1	CITY CLERK	Attest	
11/6/2018	1	MAYOR	Signed	
11/5/2018	1	COUNCIL PRESIDENT	Signed	
11/5/2018	1	Columbus City Council	Approved	Pass

1. **BACKGROUND:** This legislation authorizes the Director of Public Utilities to renew (Renewal #2) an existing engineering agreement with Smoot Construction Company for the Professional Construction Management (PCM) Services for the Lockbourne Intermodal Subtrunk project, CIP 650491-100006. This is the second planned modification/renewal of this agreement. To date, the CMT (construction management team) has assisted with the value engineering efforts, bid document evaluation, public meetings, public outreach, bidding process, and construction management and inspection services. Under this contract modification, the Smoot team will continue to provide all construction management, inspection services, startup coordination, reporting, budgeting, scheduling, document tracking, and other related tasks required per the attached scope. This work is being completed in the Rickenbacker planning area.

1.1 Modification Information: Amount of additional funds \$4,129,954.75

Original Contract:	\$1,075,778.00
Design Modification #1	\$5,031,441.43
Design Renewal #2(Current)	\$4,129,954.75
TOTAL	\$10,237,174.20

1.2 Reasons additional goods/services could not be foreseen:

This is the second of two planned modifications/renewals.

1.3 Reason other procurement processes are not used:

Re-bid of the project will likely result in a higher project costs as much of the project history would be lost and would need to be rediscovered by another consultant unless the new RFP were won by the same

consultant. In such a case, we would have missed significant time in acquiring and evaluating the new proposals without significant benefit. Also, the project is currently in construction and there would not be sufficient enough time to secure a contract with another firm without delaying construction or creating a lapse in management coverage.

1.4 How cost of modification was determined:

Costs were negotiated between the Division of Sewerage and Drainage and Smoot Construction Company.

2. **PROJECT TIMELINE:** The construction notice to proceed was issued in March of 2017. The official construction completion date is March 20, 2020 with a warranty period ending in March 2021.
3. **EMERGENCY DESIGNATION:** Emergency designation **is requested** at the time. Emergency legislation is being requested in order to ensure that funding for the CMT services doesn't lapse. A lapse in funding would result in either a work stoppage or insufficient oversight of the work being performed. During the negotiations for this renewal, one of the key members of the CMT team left for another job opportunity which delayed the negotiations while the team found a suitable replacement and developed a new work plan.
4. **CONTRACT COMPLIANCE NO:** Smoot Construction Co. 31-1224826 | 2/23/2020 | MBE | Vendor #004871
5. **ECONOMIC / ENVIRONMENTAL IMPACT:** This project will allow the City to expand its collection system thus increasing our potential tax and rate payer bases. It will create environmental benefits by reducing the number of site septic treatment systems which allow for high quality treatment of the sewage. It will also decrease the long term maintenance and power usage that is associated with the pump stations that will be taken offline once the subtrunk is completed.
6. **FISCAL IMPACT:** A transfer of funds within the Sanitary Sewer General Obligation (G.O.) Bond Fund 6109 will be necessary and an amendment to the 2018 Capital Improvements Budget will be required.

To authorize the Director of Public Utilities to renew an existing engineering agreement with Smoot Construction Company for Professional Construction Management Services for the Lockbourne Intermodal Subtrunk project; to authorize a transfer within and an expenditure of up to \$4,129,954.75 from the Sanitary Sewer General Obligation (G.O.) Bond Fund; to amend the 2018 Capital Improvements Budget; and to declare an emergency. (\$4,129,954.75).

WHEREAS, it is necessary to authorize the Director of Public Utilities to renew an existing agreement for professional engineering services with Smoot Construction Company for the Professional Construction Management Services for the Lockbourne Intermodal Subtrunk Project CIP #650491-100006; and

WHEREAS, the original agreement, Contract No. EL017469, was authorized by Ordinance No. 1722-2015, passed by the Columbus City Council on July 27, 2015; executed by the Director on August 20, 2015; approved by the City Attorney on September 21, 2015 in the amount of \$1,075,778.00; and

WHEREAS, Contract No. P.O. 047678 was authorized by Ordinance No. 3051-2017, passed by the Columbus City Council on January , 2017; executed by the Director on February 15, 2017; approved by the City Attorney on February 16, 2017; and certified by the City Auditor on February 21, 2017; and

WHEREAS, it is necessary to authorize the City Auditor to transfer and expend \$4,129,954.75 in funds from the Sanitary Sewer System GO Bond Fund 6109; and

WHEREAS, it is necessary to authorize an amendment to the 2018 Capital Improvements Budget for purposes of providing sufficient funding and expenditure authority for the aforementioned project expenditures; and

WHEREAS, an emergency exists in the usual daily operation of Columbus Department of Public Utilities, Division of Sewerage and Drainage, in that it is immediately necessary to authorize the Director of Public Utilities to renew (Renewal #2) an existing professional engineering services agreement with Smoot Construction Company for the Professional Construction Management Services for the Lockbourne Intermodal Subtrunk Project CIP 650491-100006, for the preservation of the public health, peace, property and safety; **now, therefore**

BE IT ORDAINED BY THE CITY OF COLUMBUS:

SECTION 1: That the Director of Public Utilities is hereby authorized to renew (Renewal #2) an existing engineering agreement with Smoot Construction Company, 1907 Leonard Avenue, Columbus, Ohio, 43219 for Professional Construction Management Services for the Lockbourne Intermodal Subtrunk, CIP 650491-100006, in accordance with the terms and conditions of the contract on file.

SECTION 2. That the City Auditor is authorized and directed to transfer up to \$4,129,954.75 from the Sanitary Sewer General Obligation Bond Fund 6109 per the account codes in the attachment to this ordinance.

SECTION 3. That the 2018 Capital Improvements Budget is hereby amended as follows:

Fund # | Project No. | Project Name | Current Authority | Revised Authority | Change

6109 | P650871-110176 | Roof Redirection - Clintonville 1, Schreyer / Springs | \$7,300,000 | \$3,170,045 | (-\$4,129,955)
6109 | P650491-100006 | PCM Services for Lockbourne Intermodal Subtrunk | \$0 | \$4,129,955 | (+\$4,129,955)

SECTION 4. That the Director of Public Utilities is authorized to expend up to \$4,129,954.75 from the Sanitary Sewer General Obligation Bond Funds for the Professional Construction Management for the Lockbourne Intermodal Subtrunk per the account codes in the attachment to this ordinance.

SECTION 5. That the said firm, Smoot Construction Company, shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

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 contracts of contact modifications associated with this ordinance.

SECTION 9. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated and the City Auditor shall establish such accounting codes as necessary.

SECTION 10. That for reasons stated in the preamble hereto, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force and after its passage and approval by the Mayor or ten days after its passage if the Mayor neither approves nor vetoes the same.