



Legislation Details (With Text)

File #: 0209-2005 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 1/25/2005 **In control:** Utilities Committee

On agenda: 2/28/2005 **Final action:** 3/2/2005

Title: To authorize the Director of Public Utilities to modify the professional construction management services contract with H.R. Gray & Associates, Inc., and the professional engineering services contract with Malcolm Pirnie, Inc., both for the Southerly Wastewater Treatment Plant, New Headworks, for the Division of Sewerage and Drainage; to authorize the expenditure of \$6,868,823.00 from the Ohio Water Pollution Control Fund; and to declare an emergency. (\$6,868,823.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/2/2005	1	MAYOR	Signed	
3/2/2005	1	CITY CLERK	Attest	
2/28/2005	1	Columbus City Council	Approved	Pass
2/28/2005	1	COUNCIL PRESIDENT	Signed	
2/17/2005	1	Auditor Reviewer	Contingent	
2/17/2005	1	Utilities Drafter	Sent for Approval	
2/17/2005	1	Utilities Drafter	Sent for Approval	
2/17/2005	1	CITY AUDITOR	Reviewed and Approved	
2/17/2005	1	Utilities Drafter	Sent for Approval	
2/17/2005	1	CITY ATTORNEY	Reviewed and Approved	
2/17/2005	1	Utilities Drafter	Sent to Clerk's Office for Council	
2/16/2005	1	ODI DIRECTOR	Reviewed and Approved	
2/16/2005	1	Utilities Drafter	Sent for Approval	
2/15/2005	1	FINANCE DIRECTOR	Reviewed and Approved	
2/15/2005	1	Utilities Drafter	Sent for Approval	
2/15/2005	1	EBOCO Reviewer	Reviewed and Approved	
2/14/2005	1	Finance Reviewer	Reviewed and Approved	
2/10/2005	1	Utilities Drafter	Sent for Approval	
2/9/2005	1	Utilities Drafter	Sent for Approval	
2/9/2005	1	Utilities Reviewer	Reviewed and Approved	
2/9/2005	1	UTILITIES DIRECTOR	Reviewed and Approved	

1/26/2005	1	Utilities Drafter	Sent for Approval
1/25/2005	1	Utilities Drafter	Sent for Approval

..Explanation

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to modify two existing professional services contracts for the Southerly Wastewater Treatment Plant, New Headworks project. The two contracts are as follows:

A. Professional Construction Management Services - H.R. Gray & Associates, Inc.:

- 1) Existing Contract Amount - \$3,064,574.00
- 2) Additional, this Modification - 2,254,823.00
- 3) New Contract Total - 5,319,397.00

B. Professional Engineering Services for Design and Construction - Malcolm Pirnie, Inc.:

- 1) Current Contract Amount - \$12,492,000.00
- 2) Additional, this Modification - 4,614,000.00
- 3) New Contract Total - 17,106,000.00

These services are for the management of the construction phase of Contract S67, the Screen and Grit Facilities construction contract at the new headworks, plus an amount for contract B., above, to cover the costs associated with interim construction management services needed to be furnished in the transition period created by the protracted procurement of contract A., above.

2. PROFESSIONAL SERVICES CONTRACT MODIFICATION INFORMATION: The Division of Sewerage and Drainage has determined that these services cannot be performed by City personnel at this time, and has planned for the procurement of these services on a routine basis. The potential need for additional work was foreseen and so stated in the original contracts' explanations of legislation. The additional work is a direct, logical extension of the work included in the contracts, and is required immediately. It is not deemed either feasible or reasonable to suspend work with the entities currently under contract, and undertake continuation of the work under a new procurement. The cost of each modification is a continuation of the contractors' current pricing structure, as verified by City staff.

3. FISCAL IMPACT: The Division of Sewerage and Drainage will be receiving financial assistance for the project through two Water Pollution Control Loan Fund loans (Nos. CS392276-02 and CS392276-03) from the Ohio Water Development Authority. The Division has included requests for the necessary amendment of Capital Improvements Budget (CIB) authority, and the appropriation of loan proceeds under companion legislation hereto, Ordinance No. 0200-2005.

4. EMERGENCY DESIGNATION: The Division of Sewerage and Drainage is requesting City Council to designate this ordinance an emergency measure, in order to allow for the immediate commencement of the work, which must be performed to manage the construction work on the Screen and Grit Facilities contract, and coordinate that work with the other construction in the project. Failure to properly coordinate the S65, S67, and Big Walnut Augmentation/Rickenbacker Interceptor contracts could cause the City to be held liable for potential delay claims. The total project is necessary to achieve compliance with the August 1, 2002 Consent Order with the Attorney General of the State of Ohio.

..Title

To authorize the Director of Public Utilities to modify the professional construction management services contract with H.R. Gray & Associates, Inc., and the professional engineering services contract with Malcolm Pirnie, Inc., both for the Southerly Wastewater Treatment Plant, New Headworks, for the Division of Sewerage and Drainage; to authorize the expenditure of \$6,868,823.00 from the Ohio Water Pollution Control Fund; and to declare an emergency. (\$6,868,823.00)

..Body

WHEREAS, Ordinance No. 2109-2004, passed December 13, 2004, authorized the Director of Public Utilities to execute Contract No. EL005074 with H. R. Gray & Associates, Inc., in connection with the Southerly Wastewater Treatment Plant, New Headworks project; and

WHEREAS, Ordinance No. 2026-97, passed July 28, 1997, authorized the Director of Public Utilities to execute Contract No. CT-18653 with Malcolm Pirnie, Inc., in connection with the Southerly Wastewater Treatment Plant, New Headworks project; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Sewerage and Drainage, Department of Public Utilities, in that it is immediately necessary to authorize the Director of Public Utilities to modify the professional services contracts for professional construction management and professional engineering, both for the Southerly Wastewater Treatment Plant, New Headworks, in order to continue to provide necessary professional services pursuant to the proper management and timely completion of the headworks project, for the preservation of the public health, peace, property, and safety; 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 construction management services contract, EL005074, with H. R. Gray & Associates, Inc., 1335 Dublin Road, Suite 100-B, Columbus, Ohio 43215; and to pay up to a maximum amount of \$2,254,823.00 for professional construction management services for Southerly Wastewater Treatment Plant, New Headworks, Screen and Grit Facilities, 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 Director of Public Utilities be, and hereby is, authorized to modify the professional engineering services contract, CT-18653, with Malcolm Pirnie, Inc., 1900 Polaris Parkway, Suite 200, Columbus, Ohio 43240; and to pay up to a maximum amount of \$4,614,000.00 for additional professional engineering services for Southerly Wastewater Treatment Plant, New Headworks, 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 3. That for the purpose of paying the cost of the modifications given in Section 1. and 2., the expenditure of \$6,868,823.00, or as much thereof as may be needed, be and the same hereby is authorized from the Ohio Water Pollution Control Loan Fund, Fund 666, Southerly Wastewater Treatment Plant, New Headworks, Division 60-05, Project 650352, OCA Code 650352, Object Level Three 6678.

Section 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.