



## Legislation Details (With Text)

**File #:** 3364-2023      **Version:** 1

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

**File created:** 11/20/2023      **In control:** Public Utilities Committee

**On agenda:** 12/11/2023      **Final action:** 12/14/2023

**Title:** To authorize the Director of the Department of Public Utilities to modify and increase the contract with Ascension Construction Solutions, LLC for the Department of Public Utilities Waste Water Treatment Facilities Professional Construction Management Services project; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize the transfer of funds and appropriation between projects in the Sanitary Bond Fund; to authorize an expenditure of up to \$17,952,267.00 within the Sanitary Bond Fund to pay for the contract modification; and to declare an emergency. (\$17,952,267.00)

**Sponsors:**

**Indexes:** MBE Participation

**Code sections:**

**Attachments:** 1. ORD 3364-2023 Accounting Template, 2. ORD 3364-2023 Utilization Totals

| Date       | Ver. | Action By             | Action   | Result |
|------------|------|-----------------------|----------|--------|
| 12/14/2023 | 1    | ACTING CITY CLERK     | Attest   |        |
| 12/13/2023 | 1    | MAYOR                 | Signed   |        |
| 12/11/2023 | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 12/11/2023 | 1    | Columbus City Council | Approved | Pass   |

### 1. BACKGROUND

This ordinance authorizes the Director of Public Utilities to enter into a planned contract modification for professional services agreement with Ascension Construction Solutions, LLC for the WWTFs Professional Construction Management Services #3 project, CIP #650261-103000, in an amount up to \$17,952,267.00.

This planned modification provides construction administration and management services including, construction inspection, coordination, reporting, budgeting, scheduling, document tracking, and related tasks associated with a multi-project program. This modification adds scope and funding for the following construction contracts:

- 1) 650252-100010, JPWWTP Screening Improvements
- 2) 650353-100007, SWWTP Organics Receiving and Bioenergy Utilization
- 3) 650354-100000, SWWTP Post Aeration Diffuser Replacement
- 4) 650505-100001, SMOC Inventory Control Consolidations
- 5) 650660-100013, DOSD Sanitary Pump Stations SA13 Evaluation & Upgrade
- 6) Small Capital Projects Program, Project Series: 650261-100300, multiple contracts from ongoing program.
- 7) HVAC Program, Project Series: 650265-100200 multiple contracts from ongoing program.
- 8) Roofing Program, Project Series: 650234-100200 multiple contracts from ongoing program.
- 9) Additional construction contracts to be added by contract modification.

Projects are in Community Planning Area 99, as these benefit the entire City.

**1.1 Amount of additional funds to be expended: \$17,952,267.00**

**Original Contract Amount: \$3,927,328.69** (Ord.2295-2022; PO367893; PO367899; PO367907; PO367915;

PO367920; PO367923; PO367927)

|                        |  |
|------------------------|--|
| <b>Modification #1</b> | <b>\$17,952,267.00</b> (Current)                 |
| <b>Modification #2</b> | <b>\$17,000,000.00</b> (Future estimated amount) |
| <b>Total:</b>          | <b>\$38,879,595.69</b>                           |

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

This contract was bid as a three-year contract with the intention of assigning projects to the contract that started during this three-year window. This modification is not being processed for a change of scope but only to add funding. It is needed because funding for the projects administered under this contract is done on a yearly basis instead of all three years at once. This is the first of two planned contract modifications to add funding to fully fund the contract for the contract period.

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

The cost of this modification was determined by negotiations between Ascension Construction Solutions, LLC and Department of Public Utilities project staff based upon the existing contract labor titles, maximum labor rates, allowable contract expenses, and the time estimated to be needed to perform contract tasks.

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

The performance of professional contract management services for the subject construction contracts will help to prevent or reduce the number of construction claims, provide quality control for construction, and minimize any unavoidable claims. No community outreach or environmental factors are considered for this project.

**3. CONTRACT COMPLIANCE INFORMATION**

Ascension Construction Solutions, LLC’s contract compliance number is CC0283827 and expires 8/17/24.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Ascension Construction Solutions, LLC.

**4. MINORITY AND WOMAN OWNED BUSINESS ENTERPRISE & SMALL LOCAL BUSINESS ENTERPRISE PROGRAM**

This contract was put in place prior to the implementation of the City of Columbus MBE/WBE Program and is not subject to the requirements of that program. Ascension Construction Solutions, LLC is classified as an MBE company by the City’s Office of Diversity and Inclusion. Ascension Construction Solutions, LLC anticipates performing the work on this contract modification with the use of five sub-consultants, four of which are classified as MBE by ODI. The MBE/WBE percentage for this contract modification is expected to be 62.25%.

As part of their proposal, Ascension Construction Solutions, Llc has proposed the following subconsultants to perform contract work:

| <u>Company Name</u>                      | <u>City/State</u> | <u>ODI Certification Status</u> |
|--|-------------------|---------------------------------|
| Anser Advisory<br>MAJ                    |                   | Columbus, Ohio                  |
| Advanced Engineering Consultants<br>DHDC | Columbus, Ohio    | MBE<br>Columbus, Ohio           |
| MBE<br>Multivista                        |                   | Westerville, Ohio               |
| MBE<br>American Services and Protection  | Columbus, Ohio    | MBE                             |

The certification of Ascension Construction Solutions, LLC and the above companies was in good standing at the time the bid was awarded.

**5. FISCAL IMPACT**

An amendment to the 2023 Capital Improvement Budget is needed to align budget authority with the proper projects. A transfer of cash and appropriation between projects within the Sanitary Bond Fund, Fund 6109, is needed to align cash and appropriation with the proper projects.

**6. EMERGENCY DESIGNATION**

Emergency designation is requested in order to prevent a lapse in construction management services. A lapse in construction management services will result in construction being halted on several projects, subjecting the City to delay charges.

To authorize the Director of the Department of Public Utilities to modify and increase the contract with Ascension Construction Solutions, LLC for the Department of Public Utilities Waste Water Treatment Facilities Professional Construction Management Services project; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize the transfer of funds and appropriation between projects in the Sanitary Bond Fund; to authorize an expenditure of up to \$17,952,267.00 within the Sanitary Bond Fund to pay for the contract modification; and to declare an emergency. (\$17,952,267.00)

**WHEREAS**, the Department of Public Utilities is engaged in the WWTFs Professional Construction Management Services #3 Project; and

**WHEREAS**, Contract No. PO367893; PO367899; PO367907; PO367915; PO367920; PO367923; PO367927 was authorized by Ordinance No. 2295-2022, for the WWTFs Professional Construction Management Services #3 Project; and

**WHEREAS**, the contract is a three-year contract with two planned modifications to add funds; and

**WHEREAS**, it is necessary for Council to authorize the Director of Public Utilities to modify the professional services agreement with Ascension Construction Solutions, LLC for the WWTFs Professional Construction Management Services #3 Project to add funds for the next year of the contract; and

**WHEREAS**, an amendment to the 2023 Capital Improvement Budget is needed to align budget authority with the proper projects; and

**WHEREAS**, it is necessary to transfer cash and appropriation within the Sanitary Bond Fund, Fund 6109, to align cash and appropriation with the proper projects; and

**WHEREAS**, it is necessary to expend funds from the Sanitary Bond Fund, Fund 6109 to pay for the contract modification; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately necessary to authorize the Director to execute the contract modification to prevent a lapse in construction management services and the potential for compensatory delays on construction contracts, all for the immediate preservation of the public health, peace, property, safety, and welfare; 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:

| <u>Fund / Project Number / Project Name (Funding Source) / Current Authority / Revised Authority / Change</u>  |
|--|
| 6109 / P650261-103000 / Small Cap Program & G&A for PCM Contract (Voted Sanitary Carryover) / \$1,610,920.00 / \$1,620,565 / \$9,645 (to match cash) |
| 6109 / P650353-100007 / SWWTP Organics Receiving and Bioenergy (Voted Sanitary Carryover) / \$0.00 / \$1,584,537 /                                   |

\$1,584,537 (to match cash)

6109 / P650234-100109 / SMOC Phase V Roof Replacement (Voted Sanitary Carryover) / \$2,826,000.00 / \$0.00 / (\$2,826,000.00)

6109 / P650886-100000 / Scioto Main Sanitary Pump Stations (Voted Sanitary Carryover) / \$2,650,000.00 / \$0.00 / (\$2,650,000.00)

6109 / P650505-100000 / DPU Archive Records Storage and SMOC Locker Room Renovations (Voted Sanitary Carryover) / \$7,774,809.00 / \$6,884,838.00/ (\$889,971.00)

6109 / P650870-115153 / Blueprint Hilltop 4 - Highland / Harris (Voted Sanitary Carryover) / \$1,145,000.00 / \$110,059.00 / (\$1,034,941.00)

6109 / P650902-100001 / Clinton Sewer District Number 3 - OSU Carmenton District Sewer Extension (Voted Sanitary Carryover) / \$1,800,000.00 / 0.00 / (\$1,800,000.00)

6109 / P650346-100003 / DOSD Electrical Upgrades Program (Voted Sanitary Carryover) / \$4,456,705.00 / 0.00 / (\$4,456,705.00)

6109 / P650252-100010 / JPWWTP Screening Improvements (Voted Sanitary Carryover) / \$0.00 / \$2,353,690.00 / \$2,353,690.00

6109 / P650353-100007 / SWWTP Organics Receiving and Bioenergy (Voted Sanitary Carryover) / \$1,584,537.00/ \$11,432,966.00 / \$9,848,429.00

6109 / P650354-100000 / SWWTP Post Aeration Diffuser Replacement (Voted Sanitary Carryover) / \$1,043,898.00 / \$1,409,914.00 / \$366,016.00

6109 / P650660-100013 / DOSD Sanitary Pump Stations SA13 (Voted Sanitary Carryover) / \$0.00 / \$460,045.00 / \$460,045.00

6109 / P650261-103000 / Small Cap Program & G&A for PCM Contract (Voted Sanitary Carryover) / \$1,620,565.00 / \$2,000,000.00 / \$379,435.00

6109 / P650234-100200 / DOSD Roof Replacements, No. 3 (Voted Sanitary Carryover) / \$500,000.00 / \$750,000.00 / \$250,000.00

**SECTION 2.** That the transfer of \$13,407,616.07, or so much thereof as may be needed, is hereby authorized between projects within the Sanitary Bond Fund, Fund 6109, per the account codes in the attachment to this ordinance.

**SECTION 3.** That the Director of Public Utilities is hereby authorized to modify and increase the professional services contract with Ascension Construction Solutions, LLC, 1650 Watermark Dr. Ste. 200, Columbus, Ohio 43215; for the WWTFs Professional Construction Management Services #3 project, in an amount up to \$17,952,267.00.

**SECTION 4.** That an expenditure of \$17,952,267.00, or so much thereof as may be needed, is hereby authorized from the Sanitary Bond Fund, Fund 6109, to pay for this contract modification per the accounting codes in the attachment to this ordinance.

**SECTION 5.** 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 6.** 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 7.** That the City Auditor is hereby 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 8.** That for the reasons stated in the preamble hereto, which is made a part hereof, this Ordinance is 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 (10) days after passage if the Mayor neither approves nor vetoes this Ordinance.