



## Legislation Details (With Text)

**File #:** 0054-2023      **Version:** 1

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

**File created:** 12/28/2022      **In control:** Public Utilities Committee

**On agenda:** 2/6/2023      **Final action:** 2/8/2023

**Title:** To authorize the transfer of funds between projects within the West Edge II TIF Fund; to authorize the appropriation of funds within the West Edge II TIF Fund; to authorize the Director of Public Utilities to modify an existing engineering contract with DLZ Ohio for the East Franklinton Sewer Improvements project; to authorize the expenditure of up to \$41,049.91 from the West Edge II TIF Fund to pay for the contract modification; and to declare an emergency. (\$41,049.91)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 0054-2023 Utilization Plan, 2. ORD 0054-2023 Accounting Template

Date	Ver.	Action By	Action	Result
2/8/2023	1	CITY CLERK	Attest	
2/7/2023	1	MAYOR	Signed	
2/6/2023	1	COUNCIL PRESIDENT	Signed	
2/6/2023	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

This ordinance authorizes the Director of Public Utilities to modify an existing engineering contract with DLZ Ohio, Inc., for the East Franklinton Sewer Improvements project, CIP #650560-100000. The modification provides additional funding from the Department of Development’s West Edge II TIF (Fund 7422) for completion of engineering that is in collaboration with the East Franklinton Sewer Improvements project. The planning Area is 54-Franklinton.

#### 1.1 Amount of additional funds to be expended: \$41,049.91

Original Contract	\$2,042,434.54
Modification No.1	\$1,301,111.03
Modification No.2	\$426,000.00
Modification No. 3	\$507,030.53
Modification No. 4	\$94,061.33
<u>Modification No. 5 (current)</u>	<u>\$41,049.91</u>
<b>TOTAL</b>	<b>\$4,411,687.34</b>

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

The original project scope assumed it would not be necessary to acquire right-of-way for the project. Updates to the design to reflect changes to property adjacent to the project show it is now necessary to acquire right-of-way for the project. A contract modification is needed to include surveying and preparation of right-of-way exhibits so the right-of-way can be acquired.

#### 1.3 Reason other procurement processes are not used:

DLZ Ohio is already engaged in the design of this project through the City’s RFP process. DLZ is familiar with the design documents and the project. Engaging another company to do this work would be more costly than engaging DLZ as they would have to become familiar with the project and design work done to this point.

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

Through negotiation with DLZ Ohio. The cost of this contract modification is consistent with the direct labor, overhead, and profit rates established within the original proposal and subsequent modifications.

**2. CONTRACT COMPLIANCE INFORMATION**

DLZ Ohio's contract compliance number is CC-004939 and expires 10/24/24.

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

This contract was put in place prior to the implementation of the Minority and Woman Owned Business Enterprise Program and is not subject to the requirements of the program. DLZ is a City-certified MBE company and plans to perform work amounting to 95.7% of the spend on this contract modification. The remaining 4.3% of the spend is projected to be performed by Advanced Engineering Consultants, a City-certified WBE firm.

**4. ECONOMIC IMPACT**

The overall project will address consent order obligations to the Ohio EPA in the Dodge Park CSO area. The project will also facilitate redevelopment of Columbus' oldest neighborhood, Franklinton. The tremendous economic and social benefits to the area have been previously estimated and presented in the report "East Franklinton Creative Community District Plan". Renewed public infrastructure within the area will encourage and facilitate investment and redevelopment of this neighborhood.

**5. FISCAL IMPACT**

Funding is available within the West Edge TIF II Fund, Fund 7422. A transfer of cash between projects within Fund 7422 is needed to align cash with the proper project. The funds will need to be appropriated.

**6. EMERGENCY DESIGNATION**

Emergency action is requested so the unanticipated need for right-of-way design services can be completed in a timely manner, minimizing possible delays to the construction schedule, so investment and redevelopment of the area can occur as soon as possible.

To authorize the transfer of funds between projects within the West Edge II TIF Fund; to authorize the appropriation of funds within the West Edge II TIF Fund; to authorize the Director of Public Utilities to modify an existing engineering contract with DLZ Ohio for the East Franklinton Sewer Improvements project; to authorize the expenditure of up to \$41,049.91 from the West Edge II TIF Fund to pay for the contract modification; and to declare an emergency. (\$41,049.91)

**WHEREAS**, the East Franklinton Sewer Improvements project is a project initiated by the Department of Public Utilities to address sanitary sewer improvements within the Franklinton East and Dodge Park areas; and

**WHEREAS**, the original contract number EL015115 was authorized by Ordinance 2679-2013 passed by the Columbus City Council on December 16, 2013; and

**WHEREAS**, Modification #1, was authorized by Ordinance 3281-2016 passed by the Columbus City Council on January 30, 2017; and

**WHEREAS**, Modification #2 was authorized by Ordinance 1755-2019 passed by the Columbus City Council on July 15, 2019; and

**WHEREAS**, Modification #3 was authorized by Ordinance 3113-2019 passed by the Columbus City Council on December 16, 2019; and

**WHEREAS**, Modification #4 was authorized by Ordinance 2741-2020 passed by the Columbus City Council on

December 7, 2020; and

**WHEREAS**, it is necessary to modify the existing contract with DLZ Ohio, Inc., to provide Department of Development funding for preparation of right-of way acquisition documents that were not previously thought to be needed; and

**WHEREAS**, a transfer of cash between funds within the West Edge II TIF Fund, Fund 7422, is needed to align cash with the proper project; and

**WHEREAS**, it is necessary to appropriate and expend \$41,049.91 from the West Edge II TIF Fund, Fund 7422 to pay for the contract modification; and

**WHEREAS**, an emergency exists in the usual daily operations of the Department of Public Utilities in that it is immediately necessary to authorize the Director of Public Utilities to modify an existing engineering contract with DLZ Ohio for the East Franklinton Sewer Improvements project so the design services for this project can be completed in a timely manner, minimizing possible delays to the construction schedule, so investment and redevelopment of the area can occur as soon as possible, thereby preserving 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 transfer of funds between projects within the West Edge II TIF Fund, Fund 7422, is authorized per the accounting codes in the attachment to this ordinance.

**SECTION 2.** That the appropriation of \$41,049.91 is hereby authorized in the West Edge II TIF Fund, Fund 7422, per the accounting codes in the attachment to this ordinance.

**SECTION 3.** That the Director of Public Utilities is hereby authorized to modify an existing engineering agreement with DLZ Ohio, Inc., 6121 Huntley Rd., Columbus, Ohio, 43229, for the East Franklinton Sewer Improvements project, CIP# 650560-100000, in accordance with the terms and conditions as shown in the contract modification on file in the office of the Department of Public Utilities.

**SECTION 4.** That the expenditure of up to \$41,049.91, or so much thereof as may be needed, is hereby authorized in the West Edge II TIF Fund, Fund 7422, per the accounting codes attached 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 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.