



## Legislation Details (With Text)

**File #:** 1420-2012      **Version:** 1

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

**File created:** 6/19/2012      **In control:** Public Utilities Committee

**On agenda:** 7/16/2012      **Final action:** 7/18/2012

**Title:** To authorize the Director of Public Utilities to enter into a planned modification of a professional engineering services agreement with Stantec Consulting Services Inc., for the Lower Olentangy River Ecosystem Restoration Project (5th Ave. Dam); to transfer within the G.O. Bond Fund for the expenditure of \$278,168.03; and to amend the 2012 Capital Improvements Budget, for the Division of Sewerage and Drainage; and to declare an emergency. (\$278,168.03)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 1420-2012 Director's Legislation Information Sheet Contract Mod 3 (2), 2. Ord 1420-2012 Map 650706 5th Ave Dam, 3. Ord 14202-2012 Sub-Contractor WIF 650706 5th Ave Dam Ecosystem Restoration Mod #3

Date	Ver.	Action By	Action	Result
7/18/2012	1	CITY CLERK	Attest	
7/17/2012	1	MAYOR	Signed	
7/16/2012	1	COUNCIL PRESIDENT	Signed	
7/16/2012	1	Columbus City Council	Approved	Pass

### **BACKGROUND:**

This legislation authorizes the Director of Public Utilities to enter into modification number three for the engineering agreement with Stantec Consulting Services Inc., in the amount of \$278,168.03 for professional engineering services for the Lower Olentangy River Ecosystem Restoration Project (5<sup>th</sup> Ave. Dam), CIP No, 650706-100000, for the Division of Sewerage and Drainage. This project involves the modification or removal of the 5th Ave. Dam and restoration of 10,560 linear feet of the Olentangy River.

This project includes engineering services associated with the removal of the Fifth Avenue Dam and construction of in-stream and riparian restoration features along the Olentangy River in the vicinity and upstream of the dam.

Work completed during Phase I covered by the original contract and contract modification number 1 included field survey, hydrographic survey, geomorphic assessment, sediment sampling and survey, structural analyses, floodplain evaluations, and preparation of a report.

Work completed during Phase II covered by contract modification number 2 included mussel survey, preparation of detail construction documents, easements, environmental covenants, obtained Federal and State permits, and provided support obtained through an OEPA Section 319 grant and WRRSP funds for the project.

Work to be completed as part of this final contract modification (Phase III) includes performing engineering services during construction, continued support with the OEPA 319 and WRRSP programs, and post project inspection and maintenance services required by the US Army Corps permit for 5 years following completion of construction.

- A. Amount of additional funds to be expended: \$278,168.03**
- Original Contract - \$200,000.00 (Utilized EPA 319 Grant Funds)
  - Modification No. 1 - \$ 73,460.80 (Utilized EPA 319 Grant Funds)

Modification No. 2 -	\$ 422,984.23
<u>Current Modifications Phase III -</u>	<u>\$ 278,168.03</u>
Total Proposal Amount:	\$ 974,613.06
Estimated total contract amount with all existing and current modifications: \$974,613.06	

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

This modification was part of a phase plan. This is Phase III of a planned three phase project.

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

The work associated with this contract modification includes continued engineering services by the design engineer during project construction. This project is unique in its nature and requires continued engineering support by the design engineer to ensure a successful project.

Stantec is the design firm contracted to complete this project. The project was set up to be jointly funded by EPA Section 319 grant monies and funds to be paid by the City, using certain accrued stipulated penalties, that, with approval of Ohio EPA, are authorized to be used on the project. Work completed thus far has been funded by EPA Section 319 Grant. Remaining design work shall be funded by the City.

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

Stantec prepared a cost estimate to complete associated work.

**B. Contract Compliance No.: 11-2167170 | (MAJ) | (Expires 12/21/2013)**

This company is not debarred according to the Federal Excluded Parties Listing or prohibited from being awarded a contract per the Auditor of State Unresolved Findings for Recovery Certified search.

**C. Emergency Designation:** Emergency designation is being requested for this ordinance because time sensitive work is currently under way and this funding will allow the project to continue uninterrupted. The time sensitive construction is scheduled to start in August of 2012.

**2. FISCAL IMPACT:** This ordinance authorizes the transfer within and expenditure of funds from the Sanitary Sewer G.O. Bond Fund (Fund 664) for the purpose of providing the necessary funding and authority required for this expenditure and to amend the 2012 Capital Improvements Budget.

To authorize the Director of Public Utilities to enter into a planned modification of a professional engineering services agreement with Stantec Consulting Services Inc., for the Lower Olentangy River Ecosystem Restoration Project (5<sup>th</sup> Ave. Dam); to transfer within the G.O. Bond Fund for the expenditure of \$278,168.03; and to amend the 2012 Capital Improvements Budget, for the Division of Sewerage and Drainage; and to declare an emergency. (\$278,168.03)

**WHEREAS**, Ordinance 1685-2006 was passed by City Council on October 25, 2006 which authorized the Director of Public Utilities to enter into an Ohio EPA Section 319 Grant and enter into separate contracts with Ohio State University and Friends of the Lower Olentangy Watershed (FLOW) pursuant the Lower Olentangy River Ecosystem Restoration Project; and

**WHEREAS**, Contract No. EL009724 was authorized by Ordinance 1184-2009, as passed by the Columbus City Council on September 21, 2009; executed by the Director on October 27, 2009, and approved by the City Attorney on October 28, 2009 for the purposes of authorizing the Director of Public Utilities to enter into a professional engineering agreement with Stantec Consulting Inc. for the Lower Olentangy River Ecosystem Restoration Project; and

**WHEREAS**, Contract No. EL010263, Modification # 1, was authorized by Ordinance 0145-2010, as passed by the Columbus City Council on March 1, 2010; executed by the Director on April 15, 2010, and approved by the City Attorney on April 19, 2010; and

**WHEREAS**, Contract No. EL011119, Modification No. 2, was authorized by Ordinance No. 1290-2010, as passed by City Council on November 1, 2010, was executed November 26, 2010, and approved by the City Attorney December 06, 2010; and

**WHEREAS**, it is necessary to authorize the transfer of funds within the Sanitary Sewer G.O. Bond Fund, (Fund 664) in the amount of \$278,168.03 for the purposes of providing sufficient funding for the aforementioned project expenditure; and

**WHEREAS**, it is necessary for City Council to authorize the expenditure of funds from the Sanitary Sewer G.O. Bond Fund, (Fund 664); and

**WHEREAS**, it is necessary to authorize an amendment to the 2012 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditures 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 for this Council to authorize the Director of Public Utilities to execute an engineering modification agreement with Stantec Consulting Services, in connection with the Lower Olentangy River Ecosystem Restoration Project, in order to continue Phase III of this project for the immediate 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 enter into modification number three for the professional engineering services with Stantec Consulting Services Inc., 1500 Lake Shore Drive, Columbus, Ohio 43204, in connection with the Lower Olentangy River Ecosystem Restoration Project (5<sup>th</sup> Ave. Dam) in accordance with the terms and conditions as shown in the forthcoming contract to be filed in the office of the Division of Sewerage and Drainage.

**SECTION 2.** That the City Auditor is hereby authorized to transfer within \$278,168.03 within the Department of Public Utilities, Division of Sewerage and Drainage, Dept/Div. No. 60-05 | Sanitary Sewer G.O. Bond Fund | Fund No. 664 | Object Level Three 6676 | as follows:

**From:**

**Project No. | Project Name | OCA Code | Change**

650033-100000 | Big Walnut Trunk Sewer 6F | 650033 | (-\$278,168.03)

**To:**

**Project No. | Project Name | OCA Code | Change**

650706-100000 | Lower Olentangy River Ecosystem Restoration | 650706 | (+\$278,168.03)

**SECTION 3.** That the Director of Public Utilities be and hereby is authorized to expend a total of \$278,168.03 from the Sanitary Sewer G.O. Bond Fund from the Lower Olentangy River Ecosystem Restoration Project (5<sup>th</sup> Ave Dam) | Fund 664 | Div. 60-05 | Proj. 650706-100000 | 650706 | Object Level Three 6676.

**SECTION 4.** That the 2012 Capital Improvements Budget Ordinance 0368-2012 is hereby amended as follows, to provide sufficient budget for the award of the agreement stated herein:

**Project No. | Project Name | Current Authority | Revised Authority | (Change)**

650033-100000 | Big Walnut Trunk Sewer 6F | \$1,221,298 | \$943,129 | (-\$278,169)

650706-100000 | Lower Olentangy River Ecosystem Restoration | \$0 | \$278,769 | (+\$278,169)

**SECTION 5.** That the said firm 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 authorized to establish proper project accounting numbers as appropriate.

**SECTION 7.** 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 8.** That said firm shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

**SECTION 9.** 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 which 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.