



Legislation Details (With Text)

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File created: 3/14/2024 **In control:** Public Utilities & Sustainability Committee

On agenda: 4/8/2024 **Final action:** 4/10/2024

Title: To authorize the Director of the Department of Public Utilities to enter into a professional services contract modification with ms consultants, inc. to add funding for the Fourth Water Plant Transmission Main project; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize the appropriation and transfer of funds from the Water Reserve Fund to the Water Supply Revolving Loan Account Fund; to authorize the appropriation and expenditure of \$901,234.82 from the Water Supply Revolving Loan Account Fund to pay for the contract modification; and to declare an emergency. (\$901,234.82)

Sponsors:

Indexes: MBE Participation, WBE Participation

Code sections:

Attachments: 1. ORD 0828-2024 Utilization Plan, 2. ORD 0828-2024 Accounting Template, 3. ORD 0828-2024 ms Sec of State registered name

Date	Ver.	Action By	Action	Result
4/10/2024	1	CITY CLERK	Attest	
4/9/2024	1	MAYOR	Signed	
4/8/2024	1	COUNCIL PRESIDENT	Signed	
4/8/2024	1	Columbus City Council	Approved	Pass

1. BACKGROUND

This ordinance authorizes the Director of Public Utilities to enter into a contract modification to start detailed engineering design services with ms consultants, inc. for the Fourth Water Plant Transmission Main project, CIP #690502-100001, in an amount up to \$901,234.82.

This modification is to begin detailed design work including survey, soil borings, and base mapping for the design of water transmission mains that will be constructed in conjunction with the City’s future fourth water plant. The transmission mains will extend from the fourth water plant located at 5992 Home Road, Delaware, Ohio, to a strategic connection point in the City’s existing water distribution system, specifically the Cleveland/Henderson pressure district.

The initial contract funding was for preliminary design services (Phase 1 of the contract). Modification #1 added preliminary design services for new Scioto River/Griggs Reservoir crossing(s) into the Cleveland/Henderson pressure districts and associated transmission main alignment(s) to connect the Fourth Water Plant transmission mains. The existing waterlines crossing the Scioto River do not have the capacity to convey flows from the future Fourth Water Plant, based on projected plant capacity. This current Modification (Modification #2) is needed in order to maintain the project’s schedule to have at least one transmission main constructed by 12/31/28 by beginning on the first stages of Detailed Design for the chosen alignment. These early-stage services are only for Survey, Base Mapping, and Geotechnical work.

There are two additional planned contract modifications. One contract modification will be for Phase 2 (remainder of detailed design services). The final planned contract modification will be for Phase 3 (engineering services during construction).

The majority of the transmission main will be located outside the City of Columbus. The portion within the City of Columbus will be located within the Hayden Run Planning Area (30) and the Far Northwest Planning Area (31). The Citywide Planning Area (99) will be used for the accounting template due to the project covering multiple areas.

UPDATED TIMELINE

The duration of Phase 1 (Preliminary Design Services) is still expected to take 18 months and end in mid-2024. Phase 2 (Detailed Design Services) is expected to have a duration of approximately 24 months following the completion of Preliminary Design Services. Phase 3 - Engineering Services during Construction is expected to have a duration of approximately 28 months.

ESTIMATED COST OF PROJECT

1.1 Amount of additional funds to be expended: \$901,234.82

Cost summary:

Original Contract - Phase 1 Preliminary Design PO363148)	\$5,399,068.91 (ORD 3235-2022;
Modification No. 1 - Preliminary Design - River Crossings	\$1,487,278.77 (ORD 2421-2023; PO409207)
Modification No. 2 - Detailed Design - Survey, Soil Borings	\$ 901,234.82 (current)
Modification No. 3 - Detailed Design	\$10,000,000.00 (estimated)
<u>Modification No. 4 - Services during Construction</u>	<u>\$2,500,000.00</u> (estimated)
CONTRACT TOTAL (estimated)	\$20,287,582.50

1.2. Reason other procurement processes are not used:

It was the original plan to structure the contract to have contract modifications for the Detailed Design services and Services During Construction phases. In this case, it was decided to expedite a component of the detailed design phase prior to the completion of Phase I - Preliminary Design, in order to keep on Schedule and allow for the construction of at least one transmission main by December 31, 2028.

1.3. How cost of modification was determined:

ms consultants, inc. provided a cost proposal as requested by the City based on the current contract rates for job titles, allowable expenses, and overhead. The fee proposal was reviewed by the Division of Water and deemed to be acceptable.

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

This project was scoped with a significant public outreach program. This outreach program will include public meetings, advisory group briefings for stakeholders, development of a project website, fact sheets, pop-up engagement at neighborhood gatherings, e-newsletters, social media posts, and news releases.

3. CONTRACT COMPLIANCE INFORMATION

ms consultants, inc.'s contract compliance number is CC006998 and expires 12/1/25.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against ms consultants, inc. or their subconsultants.

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

This contract was put in place with an ODI determined MBE/WBE program goal of 25.0%. ms consultants, inc. is classified as a majority company. ms consultants, inc. anticipates performing the work on this contract modification with the use of subconsultants. The MBE/WBE percentage for this contract modification is expected to be 48.56%.

As part of their proposal, ms consultants, inc. has proposed the following subconsultants/subcontractors to perform

contract work:

<u>Company Name</u>	<u>City/State</u>	<u>ODI Certification Status</u>
Resource International	Columbus, Ohio	WBE
Aldea Services Inc.	Columbus, Ohio	MAJ
7NT Engineering	Columbus, Ohio	MBE

The certification of ms consultants, inc. and the above companies was in good standing at the time of the contract modification.

5. FISCAL IMPACT

This design modification is expected to be financed with a loan from the Water Supply Revolving Loan Account (WSRLA) through the Ohio Environmental Protection Agency and administered by the Ohio Water Development Authority. City Council authorized this loan application and acceptance of funding via Ordinance 0363-2024, passed by Council on 2/12/24. This loan is expected to be approved in April, 2024.

A transfer of funds from the Water System Reserve Fund, Fund 6003, to the Water Supply Revolving Loan Account Fund, Fund 6011, in the amount of \$901,234.82 is needed to fund design for this project. This transaction is a temporary measure that is required until a loan is executed with the Ohio EPA to reimburse the Water System Reserve Fund. These funds will also need to be appropriated to be transferred and then appropriated after transfer to the new fund. An amendment to the 2023 Capital Improvement Budget is needed to align budget authority with the proper project.

6. EMERGENCY DESIGNATION

Emergency action is requested to keep construction of the water lines needed for the new fourth water on schedule so the new water plant is able to provide water when construction is complete and it is brought online, meeting future anticipated water demands to prevent a water shortage.

To authorize the Director of the Department of Public Utilities to enter into a professional services contract modification with ms consultants, inc. to add funding for the Fourth Water Plant Transmission Main project; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize the appropriation and transfer of funds from the Water Reserve Fund to the Water Supply Revolving Loan Account Fund; to authorize the appropriation and expenditure of \$901,234.82 from the Water Supply Revolving Loan Account Fund to pay for the contract modification; and to declare an emergency. (\$901,234.82)

WHEREAS, the Department of Public Utilities is engaged in the Fourth Water Plant Transmission Main project; and

WHEREAS, Contract No. PO363148 was authorized by Ordinance No. 3235-2022, for ms consultants, inc. to provide design services for the Fourth Water Plant Transmission Main project and to begin preliminary design; and

WHEREAS, Contract No. PO409207, Modification Number 1, was authorized by Ordinance No. 2421-2023, for the Fourth Water Plant Transmission Main contract for preliminary design of river crossings; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to enter into a contract modification with ms consultants, inc. to add funding to begin detailed design of the project; and

WHEREAS, Ordinance 0363-2024, passed by City Council on 2/12/24, authorized this contract modification to be funded by a loan to be obtained through the Water Supply Revolving Loan Account (WSRLA) program; and

WHEREAS, it is necessary to amend the 2023 Capital Improvement Budget to provide sufficient budget authority for the project; and

WHEREAS, it is necessary to both appropriate funds from the Water Reserve Fund, Fund 6003, and to authorize the transfer of said funds to the Water Supply Revolving Loan Account Fund, Fund 6011, in order to temporarily fund this expenditure, until such time as the City is able to execute a loan for the above stated purpose and reimburse the Water

Reserve Fund; and

WHEREAS, it is necessary to appropriate and expend funds from the Water Supply Revolving Loan Account Fund, Fund 6011, to pay for the design of this project; and

WHEREAS, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the “Treasury Regulations”) promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the construction of the Project described in this Ordinance (collectively, the “Project”); and

WHEREAS, it is necessary to authorize an expenditure of up to \$901,234.82 from the WSRLA Fund, Fund 6011, for the Division of Water in order to temporarily fund this expenditure until such time as the City receives loan proceeds for the above stated purpose and reimburses the Water System Reserve Fund; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately necessary to execute the contract modification to keep construction of the water mains needed for the new fourth water on schedule so the new water plant is able to provide water when construction is complete and it is brought online, meeting future anticipated water demands to prevent a water shortage, 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 2023 Capital Improvement Budget authorized by Ordinance 1711-2023 be amended as follows to establish sufficient budget authority for this project:

Fund / Project Number / Project Name (Funding Source) / Current Authority / Revised Authority / Change
6011 / 690502-100001 / Fourth Water Plant Transmission Main (WSRLA Loan) / \$1,487,279.00 / \$2,388,514.00 / \$901,235.00 (To match the loan amount.)

SECTION 2. That from the unappropriated monies and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2024, the sum of \$901,234.82 is appropriated in the Water Reserve Fund, Fund 6003, per the account codes in the attachment to this ordinance.

SECTION 3. That the transfer of \$901,234.82 or so much thereof as may be needed, is hereby authorized from the Water Reserve Fund, Fund 6003, to the Water Supply Revolving Loan Account Fund, Fund 6011, per the account codes in the attachment to this ordinance.

SECTION 4. That from the unappropriated monies and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2024, the sum of \$901,234.82 is appropriated in the Water Supply Revolving Loan Account Fund, Fund 6011, per the account codes in the attachment to this ordinance.

SECTION 5. That the Director of the Department of Public Utilities be and hereby is authorized to enter into a contract modification for professional engineering services for the Fourth Water Plant Transmission Main project, CIP #690502-100001, with ms consultants, inc., 2221 Schrock Road, Columbus, OH 43229; in accordance with the terms and conditions of the contract modification on file in the Department of Public Utilities.

SECTION 6. That the expenditure of \$901,234.82, or so much thereof as may be needed, is hereby authorized to pay for this contract modification per the accounting codes in the attachment to this ordinance.

SECTION 7. That upon obtaining other funds for the purpose of funding water system capital improvement work, the City Auditor is hereby authorized to repay the Water Reserve Fund the amount transferred above (Section 3), and said funds are hereby deemed appropriated for such purposes.

SECTION 8. That the City intends that this Ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$901,234.82 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse Water Reserve Fund 6003, which is the fund from which the advance for costs of the Project will be made.

SECTION 9. That 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 10. 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 11. 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 12. 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.