



Legislation Details (With Text)

File #: 2072-2004 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 11/11/2004 **In control:** Utilities Committee
On agenda: 12/13/2004 **Final action:** 12/15/2004

Title: To authorize the Director of Public Utilities to modify the agreement with EMA, Inc., for professional engineering services for the Maintenance Management Program Upgrade, for the Division of Sewerage and Drainage; to appropriate and authorize the transfer of funds from the Sewerage System Reserve Fund to the 1991 Sanitary Bond Fund; and to authorize the expenditure of \$1,300,000.00 from the 1991 Sanitary Bond Fund. (\$1,300,000.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
12/15/2004	1	CITY CLERK	Attest	
12/13/2004	1	Columbus City Council	Approved	Pass
12/13/2004	1	COUNCIL PRESIDENT	Signed	
12/13/2004	1	MAYOR	Signed	
12/6/2004	1	Columbus City Council	Read for the First Time	
11/24/2004	1	Utilities Drafter	Sent to Clerk's Office for Council	
11/23/2004	1	Utilities Drafter	Sent for Approval	
11/23/2004	1	Auditor Reviewer	Contingent Within	
11/23/2004	1	CITY AUDITOR	Reviewed and Approved	
11/23/2004	1	Utilities Drafter	Sent for Approval	
11/23/2004	1	CITY ATTORNEY	Reviewed and Approved	
11/22/2004	1	Finance Reviewer	Reviewed and Approved	
11/22/2004	1	FINANCE DIRECTOR	Reviewed and Approved	
11/17/2004	1	EBOCO Reviewer	Reviewed and Approved	
11/17/2004	1	ODI DIRECTOR	Reviewed and Approved	
11/17/2004	1	Utilities Drafter	Sent for Approval	
11/16/2004	1	Utilities Drafter	Sent for Approval	
11/15/2004	1	Utilities Reviewer	Reviewed and Approved	
11/15/2004	1	UTILITIES DIRECTOR	Reviewed and Approved	
11/15/2004	1	UTILITIES DIRECTOR	Reviewed and Approved	
11/11/2004	1	Utilities Drafter	Sent for Approval	

1. BACKGROUND:

A. Need. This legislation authorizes the Director of Public Utilities to modify an existing agreement with EMA, Inc., 1970 Oakcrest Avenue, St. Paul MN 55113-2624, for professional services for the Maintenance Management Program Upgrade, Capital Improvements Project 370. This project defines, selects, and implements a new Integrated Maintenance Management System for the Division of Sewerage and Drainage. Selection of this professional services contractor was accomplished in conformance with Chapter 329, Section 329.12 (RFP Process), Columbus City Codes, 1959.

Work on this project began in April, 1998. The project achieved Pilot implementation in Sewer Maintenance in September, 2003, and is proceeding to full implementation. The annual appropriation increment authorized herein has previously been planned and budgeted to continue the work. The project is an integral part of the Division's general initiatives to assure competitiveness, of the CMOM work mandated by the City/OEPA Consent Decrees, and of the Department's Technical Master Plan.

B. Contract Compliance No.: 41-1467091.

C. Type of Business Enterprise: Majority.

D. Contract EBO Information: With this modification, the contract is expected to have approximately the following participation percentages:

MBE -	2%
FBE -	9.6%
Majority -	<u>88.4%</u>
Total -	100%

E. Emergency Designation: Emergency designation is not requested.

2. FISCAL IMPACT:

A. Budget Information: There is sufficient authority in the 2004 Capital Improvements Budget for this expenditure. There will be sufficient funds in the appropriate project account, upon the passage of this legislation.

B. Contract Modification Information, Pursuant to Section 329.13, CCC:

1) **Amount of Additional Funds** - This Modification: \$1,300,000.00

2) **Why the Need for Additional Work Could Not Be Foreseen:** The need was foreseen, and so stated in the original contract legislation's Explanation. This is a phased contract, and the modification funds the next phase.

3) **Why Other Procurement Processes Would Not Be In the City's Best Interest:** This extension of the work is a direct, logical, planned continuation of the work under the original contract, is required immediately, and it is not deemed either feasible or reasonable to suspend work with the entity currently under contract, and undertake continuation of the work under new procurement.

4) **How the Cost of the Modification was Determined:** Continuation of the contractor's current pricing structure, as verified by City staff. The existing contract provides for this mechanism.

C. Contract Amount:

Original Contract Amount -	\$2,107,774.00
Modifications to Date -	3,400,000.00
This Modification -	<u>1,300,000.00</u>
New Contract Amount -	\$6,807,774.00

3. PROJECT LOCATION:

This project involves all of the Division's facilities, City-wide

To authorize the Director of Public Utilities to modify the agreement with EMA, Inc., for professional engineering services for the Maintenance Management Program Upgrade, for the Division of Sewerage and Drainage; to appropriate and authorize the transfer of

funds from the Sewerage System Reserve Fund to the 1991 Sanitary Bond Fund; and to authorize the expenditure of \$1,300,000.00 from the 1991 Sanitary Bond Fund. (\$1,300,000.00)

WHEREAS, Ordinance No. 933-98, passed April 6, 1998, authorized the Director of Public Utilities to enter into contract with EMA, Inc., for professional engineering services associated with the Maintenance Management Program Upgrade for the Division of Sewerage and Drainage; and

WHEREAS, it is immediately necessary to both appropriate funds from the Sewerage System Reserve Fund and transfer said funds into the 1991 Voted Sanitary Bond Fund, for the purpose of funding a modification to the said contract; and

WHEREAS, the funding method for this expenditure is a temporary measure until such time as the City sells bonds or notes for the above stated purpose and reimburses the Sewerage System Reserve Fund; and

WHEREAS, the aggregate principal amount of obligations which the City will issue to finance this modification is presently expected not to exceed \$1,300,000.00; and

WHEREAS, it is immediately necessary to authorize the modification of the existing contract in order to provide for the proper continuation of the work of this project; **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 agreement with EMA, Inc., 1970 Oakcrest Avenue, St. Paul MN 55113-2624, for professional engineering services associated with the Maintenance Management Program Upgrade, Capital Improvements Project 370, in accordance with the terms and conditions as shown on the Modification on file in the office of the Division of Sewerage and Drainage.

Section 2. That the said professional services firm shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

Section 3. That from the unappropriated monies in the Sewerage System Reserve Fund, Fund 654, 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, 2004, the sum of \$1,300,000.00 is hereby appropriated to the Division of Sewerage and Drainage, Division 60-05, Object Level One 10, Object Level Three 5502, OCA 901654.

Section 4. That the City Auditor is hereby authorized to transfer said funds to the 1991 Sanitary Bond Fund, Fund 664, for the Maintenance Management Program Upgrade, Project 650370, at such time as is deemed necessary by him, and to expend said funds or so much thereof as may be necessary.

Section 5. That \$1,300,000.00 is hereby appropriated to the Division of Sewerage and Drainage, Division 60-05, 1991 Sanitary Bond Fund, Fund 664, Project 650370, Object Level Three 6678, for the Maintenance Management Program Upgrade.

Section 6. That upon obtaining other funds for the purpose of funding wastewater treatment facilities capital improvements work, the City Auditor is hereby authorized to repay the Sewerage System Reserve Fund the amount transferred under Section 4., above, and said funds are hereby deemed appropriated for such purpose.

Section 7. That the City Auditor is authorized to make any accounting changes to revise the funding source for any contract or contract modifications associated with expenditure of the funds transferred under Section 4., above.

Section 8. That the City intends that this ordinance constitutes an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations promulgated pursuant to the Internal Revenue Code of 1986, as amended.

Section 9. That the expenditure of \$1,300,000.00, or as much thereof as may be needed, be and the same hereby is authorized from the 1991 Sanitary Bond Fund, Fund 664, Division 60-05, Division of Sewerage and Drainage Project 650370, OCA 650370, Object Level Three 6678, to pay the cost of this modification.

Section 10. That this ordinance shall take effect and be in force from and after the earliest date allowed by law.

