



## Legislation Text

File #: 1161-2010, Version: 1

### 1. **BACKGROUND:**

A. **Need.** This legislation authorizes the Director of Public Utilities to modify the agreement with Malcolm Pirnie, Inc., for Professional Program Management Services for the Division of Sewerage and Drainage. The work in that program is a very substantial group of sewer capital improvements projects (CIPs), both collections systems and treatment works improvements, which have been agreed to by the City and Ohio EPA in order to conform to the requirements of the City's consent orders. The actual emplacement of the CIPs will be by construction contract; the professional program management contract is providing: program planning, scheduling, budgeting, and status reporting; construction management; design management; some design of critical projects; special services such as Value Engineering, and other services for this very large, important program, as directed by the City.

The initial authorization of, and appropriation of monies to, this contract was accomplished by Ordinance No. 0731-2006, passed May 8, 2006. The Malcolm Pirnie, Inc. modification amount requested under this ordinance is \$8,395,600.00. The contract total including this modification is \$85,113,625.00. This contract was always planned to be funded incrementally, via approximately annual appropriations. The current appropriation will be exhausted at the end of November, 2010, and this modification provides monies to continue this important work through scheduled completion in April, 2012.

#### **1.1. Amount of additional funds to be expended: \$8,395,600.00**

Original Contract	\$ 7,000,000.00
Modification No. 1	\$12,000,000.00
Modification No. 2	\$14,500,000.00
Modification No. 3	\$16,882,125.00
Modification No. 4	\$15,335,900.00
Modification No. 5	\$11,000,000.00
<u>Proposed Modification No. 6</u>	<u>\$ 8,395,600.00</u>
CURRENT PROPOSED TOTAL	\$85,113,625.00

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

This Contract Modification No. 6 was planned and so stated in the original contract's legislation. It is a planned continuation of the services originally included within the existing contract's scope of service.

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

The funding provided by this contract modification is for continuation of the existing work of the contract. This work was planned for and anticipated within the original procurement, it is not reasonable or cost effective to undertake a new procurement to acquire these services.

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

The cost of this contract modification is consistent with the direct labor, overhead, and profit rates established within the original proposal. The estimate of the quantity of labor required to complete the remaining scope of services is within the anticipated level of funding originally forecast.

B. **Contract Compliance No.:** Malcolm Pirnie, Inc. | 13-2653703 | (MAJ) | (Expires 03/09/2012)

C. **Emergency Designation:** No emergency designation is required or requested.

### 2. **FISCAL IMPACT:**

This ordinance authorizes the Director of Public Utilities to transfer within \$145,600.00 and expend \$8,395,600.00 in funds from the Sanitary B.A.B.s (Build America Bonds) Fund for the subject project. This ordinance also amends the 2010 Capital Improvements Budget to establish sufficient budget authority to cover the expenditure upon passage of the ordinance. The probable total amount of this contract over the program duration through 2012 may be approximately \$85,113,625.00.

To authorize the Director of Public Utilities to execute a planned contract modification with Malcolm Pirnie, Inc., for Professional Program Management Services for the Division of Sewerage and Drainage under the Wet Weather Management Plan; to authorize the transfer within \$145,600.00 and the expenditure of \$8,395,600.00 from the Sanitary B.A.B.s (Build America Bonds) Fund; and to amend the 2010 Capital Improvements Budget to establish sufficient budget authority to cover the expenditure upon passage of the ordinance for the Division of Sewerage and Drainage. (\$8,395,600.00)

**WHEREAS**, the Division of Sewerage and Drainage is undertaking a substantial program of large capital improvements to improve the Division's facilities, in conformance with a Wet Weather Management Plan submitted by the City to Ohio EPA, in conformance with the City's agreed-upon Consent Orders; and

**WHEREAS**, a program of the size and scope of that being undertaken by the Division to improve its facilities requires the best, most robust management to assure the success of the program; and

**WHEREAS**, the City has contracted for such professional program management services, under authority of Ordinance No. 0731-2006, passed May 8, 2006; and

**WHEREAS**, the initial funding of contract EL006055, approved May 30, 2006, was planned to be sufficient to provide the necessary services for the balance of 2006, with additional necessary funding to be added as the program proceeded in 2007 and subsequent years; and

**WHEREAS**, Modification No. 1 authorized by Ordinance No. 2134-2006, as passed by Columbus City Council on January 22, 2007 provided additional funding that was estimated to be necessary for the continuation of the professional program management services into 2007; and

**WHEREAS**, Modification No. 2 authorized by Ordinance No. 1335-2007, as passed by Columbus City Council on October 1, 2007 provided additional funding that was estimated to be necessary for the continuation of the professional program management services into 2008; and

**WHEREAS**, Modification No. 3 authorized by Ordinance No. 1001-2008, as passed by Columbus City Council on July 7, 2008 provided additional funding that was estimated to be necessary for the continuation of the professional program management services into 2009; and

**WHEREAS**, Modification No. 4 authorized by Ordinance No. 0488-2009, as passed by Columbus City Council on May 4, 2009 provided additional funding that was estimated to be necessary for the continuation of the professional program management services into 2010; and

**WHEREAS**, Modification No. 5 authorized by Ordinance No. 1660-2009, as passed by Columbus City Council on January 25, 2010 provided additional funding that was estimated to be necessary for the continuation of the professional program management services into 2010; and

**WHEREAS**, the Division of Sewerage and Drainage engineering personnel have determined that it is necessary to modify the subject contract in order to provide the necessary additional professional program management services required for this project through April 2012; and

**WHEREAS**, it is necessary to authorize the transfer within funds from the Sanitary B.A.B. (Build America Bonds) Fund in the amount of \$145,600.00 for 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 B.A.B. (Build America Bonds) Fund and;

**WHEREAS**, it is necessary to authorize an amendment to the 2010 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditures; and

**WHEREAS**, the Division of Sewerage and Drainage, Department of Public Utilities is requesting that this Council authorize the Director of Public Utilities to modify the agreement for professional engineering services with Malcolm Pirnie, Inc., for the Professional Program Management Services for the Division of Sewerage and Drainage, at the earliest practicable date; for the preservation of 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 Director of Public Utilities be, and hereby is, authorized to modify contract EL006055 with Malcolm Pirnie, Inc., 1900 Polaris Parkway, Suite 200, Columbus, Ohio 43240-2020, for Professional Program Management Services for the Division of Sewerage and Drainage, in accordance with the terms and conditions of the modification on file in the offices of the Division of Sewerage and Drainage.

**Section 2.** That the City Auditor is hereby authorized to transfer \$145,600.00 within the Sanitary B.A.B.s (Build America Bonds) Fund, Fund No. 668, Division of Sewerage and Drainage, Division 60-05, Object Level Three 6676 as follows:

**FROM:**

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

650347-100001 | Combined Sewer Overflow (CSO) Reduction | 664347 | (-\$145,600.00)

**TRANSFER to:**

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

650390-100001 | Professional Program Management Services | 651390 | (+\$145,600.00)

**Section 3.** That the Director of Public Utilities be and hereby is authorized to expend a total of \$8,395,600.00 from the Sanitary B.A.B.s (Build America Bonds) Fund for the purpose of paying the cost of the professional program services contract modification, or as much thereof as may be needed, and is hereby authorized for the Professional Program Management Services for the Division of Sewerage and Drainage to read as follows:

Division 60-05; Fund 668 | Project No. 650390-100001 | Object Level Three 6676 | OCA Code 651390 | Amount \$8,395,600.00

**Section 4.** That the 2010 Capital Improvements Budget Ordinance No. 0564-2010 is hereby amended as follows, to provide and create sufficient budget authority for the award of the agreement stated herein.

Transfer of Authority:

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

650347-100001 | Combined Sewer Overflow (CSO) Reduction | \$190,000 | \$44,400 | (-\$145,600)

650390-100001 | Professional Program Management Services | \$8,250,000 | \$8,395,600 | (+\$145,600)

**Section 5.** That the City Auditor is hereby authorized to transfer any unencumbered balance in the project account to the unallocated balance 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; except that no transfer shall be made from a project by monies from more than one source.

**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 the contracted 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 this ordinance shall take effect and be in force from and after the earliest period allowed by law.

