



## Legislation Text

File #: 1504-2010, Version: 1

### 1. **BACKGROUND:**

A. **Need.** This legislation authorizes the Director of Public Utilities to modify the professional engineering services agreement with Malcolm Pirnie, Inc. for the Southerly Wastewater Treatment Plant (SWWTP) New Headworks project. The Malcolm Pirnie, Inc. modification amount requested under this ordinance is \$583,000.00. The contract total including this modification is \$18,076,045.77. The proposed contract modification provides funding for preparation of a Federal ARRA (Stimulus) grant funding request/application for the Waste Digester Gas Utilization Improvements construction contract, Detailed Design services, and Services During Construction estimated to be needed for these improvements. This contract modification is a continuation of the services included within the existing contract's scope of service. The design of the headworks decommissioning included installing the digester gas line from the anaerobic digesters to the Screen and Grit Building boilers. The additional work included in this modification is a logical extension of this digester gas service line to the Service Building, which it passes. The existing fuel oil boilers in the Service Building have exceeded their useable life by more than 20 years and are no longer operating at optimum performance. The use of digester gas by the boilers in the both buildings will reduce the plant's daily need for natural gas and fuel oil. The transition to burning digester gas greatly reduces the amount of fossil fuel greenhouse gases released during boiler operation. The potential need for portions of this work was foreseen and so stated in the original contract's legislation, and is therefore a planned continuation of the services originally included within the existing contract's scope of service. It is not deemed either feasible or reasonable to suspend work with the entity currently under contract and undertake continuation of these services with another procurement. The cost of the modification is a continuation of the vendor's current pricing structure, as verified by City staff.

**Amount of additional funds to be expended: \$583,000.00**

Original Contract	\$ 1,567,500.00
Modification No. 1	\$ 707,500.00
Modification No. 2	\$ 3,060,000.00
Modification No. 3	\$ 122,000.00
Modification No. 4	\$ 50,000.00
Modification No. 5	\$ 3,193,000.00
Cancellation of Mod. 5's Remaining Balance	(\$ 589,954.23)
Modification No. 6	\$ 3,792,000.00
Modification No. 7	\$ 4,614,000.00
Modification No. 8	\$ 280,000.00
Modification No. 9	\$ 697,000.00
Proposed Modification No. 10	\$ 583,000.00
Anticipated future needs	\$ 109,000.00
<b>CURRENT PROPOSED TOTAL</b>	<b>\$18,185,045.77</b>

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

The original headworks decommissioning, including the digester gas piping to the Screen and Grit Building, was planned and anticipated, 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.

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

In so much as a large portion of this work was planned for and anticipated within the original procurement, and due to the highly complex and technical nature of this wastewater treatment plant infrastructure, it is not reasonable or cost efficient to undertake a new procurement effort to acquire these services. The lengthy process for initiating a new procurement, and for a new entity to gain understanding of the project, would likely cause an unacceptable project delay and additional cost.

**How cost of modification was determined:**

A cost proposal was provided by Malcolm Pirnie, Inc. and reviewed by the Division of Sewerage and Drainage and was deemed acceptable. The cost of this contract modification is consistent with the direct labor, overhead, and profit rates established within the original proposal.

**B. Contract Compliance No.:** 132653703/001 (MAJ) (Expires 03/09/2012)

**C. Emergency Designation:** Emergency designation is not requested.

**2. FISCAL IMPACT:**

This ordinance authorizes the Director of Public Utilities to expend \$583,000.00 in funds from the B.A.B.s (Build America Bonds) Fund. There is sufficient budget authority in the 2010 Capital Improvements Budget for this expenditure.

To authorize the Director of Public Utilities to execute a contract modification to the professional engineering services agreement with Malcolm Pirnie, Inc. for the Southerly Wastewater Treatment Plant New Headworks project; and to authorize the expenditure of \$583,000.00 within the B.A.B.s (Build America Bonds) Fund for the Division of Sewerage and Drainage. (\$583,000.00).

**WHEREAS**, Contract No. CT-18653 was authorized by Ordinance No. 2026-97, as passed by Columbus City Council on July 28, 1997 for purposes of authorizing the Director of Public Utilities to enter into a contract for professional engineering services with Malcolm Pirnie, Inc. for the Southerly Wastewater Treatment Plant New Headworks Project; and

**WHEREAS**, it is necessary to modify the subject contract in order to provide funding for an Federal ARRA (Stimulus) grant funding request/application, Detailed Design services, and Services During Construction estimated to be needed for Waste Digester Gas Utilization Improvements construction contract under the Southerly Wastewater Treatment Plant New Headworks Project; and

**WHEREAS**, it is necessary for City Council to authorize the expenditure of funds from the Sanitary B.A.B.s (Build America Bonds) Fund; 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 professional engineering services agreement with Malcolm Pirnie, Inc. for Southerly Wastewater Treatment Plant New Headworks project, at the earliest practical date; **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 No. CT-18653 with Malcolm Pirnie, Inc., 1900 Polaris Parkway, Suite 200, Columbus OH 43240-2020, for professional engineering services for the Southerly Wastewater Treatment Plant New Headworks project, in order to provide the professional engineering services in accordance with the terms and conditions as shown in the contract modification on file in the office of the Division of Sewerage and Drainage.

**Section 2.** That the Director of Public Utilities be and hereby is authorized to expend a total of \$583,000.00 from the Sanitary B.A.B.s (Build America Bonds) Fund into the Southerly Wastewater Treatment Plant New Headworks | Fund 668 | Div. 60-05 | Proj. 650352-100000 | OCA 668352 | Object Level Three 6676.

**Section 3.** 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 4.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**Section 5.** 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 6.** 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 7.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.