



Legislation Text

File #: 1516-2008, **Version:** 1

1. **BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into an agreement with DLZ Ohio, Inc., for professional engineering services for Scioto River Study that will prepare a report and a comprehensive backwater model of the Scioto River from Franklin County Line upstream past Grandview Avenue to the I-670 Bridge. This project will mitigate poor drainage within this area.

2. **ENGINEERING CONTRACT AWARD:** DLZ Ohio, Inc. was selected in accordance with the procedures set forth in Columbus City Code, Section 329.14, "Awarding professional service contracts through requests for proposals". On July 31, 2008, Requests for Cost Proposals (RFP's) were advertised on the City's website. DLZ Ohio, Inc., EMH&T, ms consultants and Stantec Consulting Services Inc. submitted RFP's on August 15, 2008.

Upon review of the technical proposals, the bidders were ranked using criteria specified in City Code, and more specifically: proposal quality, competence to perform required work, project schedule, and local workforce. Based upon these criteria, DLZ Ohio, Inc. was selected as the highest-ranked bidder.

3. **FISCAL IMPACT:** This ordinance authorizes the transfer and appropriation of funds from the Storm Sewer Reserve Fund and a transfer within the Storm Sewer Bond Fund for this expenditure as well as an amendment to the 2008 Capital Improvements Budget to provide sufficient budget authority. Monies for this contract will be provided from an upcoming Bond Sale via the transfer detailed in this ordinance.

4. **CONTRACT COMPLIANCE INFORMATION:** Contract Compliance Number, 31-1268980, expires: 04/16/09, majority.

5. **JUSTIFICATION FOR EMERGENCY DESIGNATION:** Preliminary results from the study are needed by the City by end of year 2008 to aid in planning/development issues along the Scioto River.

To authorize the Director of Public Utilities to enter into an agreement for professional engineering services with DLZ Ohio, Inc. for the Scioto River Study; to authorize the transfer and appropriation of \$198,441.17 from the Storm Sewer Reserve Fund; to amend the 2008 Capital Improvements Budget; and to authorize the expenditure of \$198,441.17 within the Storm Sewer Bond Fund for the Division of Sewerage and Drainage; and to declare an emergency. (\$198,441.17)

WHEREAS, Requests for Cost Proposals were received and opened on August 15, 2008 for engineering services for the Scioto River Study; and

WHEREAS, DLZ Ohio, Inc., was selected based on the following criteria: proposal quality, competence to perform required work, project schedule, and local workforce; and

WHEREAS, it is necessary to authorize the transfer and appropriation of funds from the Storm Sewer Reserve Fund to the Voted Storm Sewer Bond Fund for purposes of providing sufficient funding for this project expenditure; 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 project described in this ordinance (the "Project").

WHEREAS, it is necessary to authorize an amendment to the 2008 Capital Improvements Budget for purposes of providing sufficient funding and spending authority for the aforementioned project expenditure; and

WHEREAS, it is necessary to authorize the Director of Public Utilities to enter into an agreement for professional engineering services to mitigate poor drainage and other stormwater problems; 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 to authorize the Director of Public Utilities to enter into an agreement for professional engineering services, for the Scioto River Study as preliminary results from the study are needed by the City by end of year 2008 to aid in planning/development issues along the Scioto River, for the 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 from the unappropriated monies in the Storm Sewer Reserve Fund No. 690, 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, 2008, the sum of \$198,441.17 is hereby appropriated to the Division of Sewerage and Drainage, Division 60-15, OCA 690001, Obj.Lvl. One 10, Obj.Lvl. Three 5502.

SECTION 2. That the City Auditor is hereby authorized to transfer a total of \$198,441.17, from the Storm Sewer Reserve Fund to the Voted Storm Sewer Bond Fund 685, into the Scioto River Study, 610793, at such time as deemed necessary by the Auditor, and to expend said funds, or so much thereof as may be necessary.

SECTION 3. That the \$198,441.17 is hereby appropriated for the Scioto River Study, within the Voted Storm Sewer Bond Fund; Fund 685 | Dept./Div. 60-15 | Proj# 610793 | Scioto River Study | Obj.Lvl. Three 6682 | OCA 685793.

SECTION 4. That upon obtaining other funds for the purpose of funding storm sewer system capital improvement work, the City Auditor is hereby authorized to repay the Storm Sewer System Reserve Fund the amount transferred above, and said funds are hereby deemed appropriated for such purposes.

SECTION 5. 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 \$198,441.17 (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 the fund from which the advance for costs of the Project will be made.

SECTION 6. That for the purpose of paying the cost of the professional engineering services contract, the following expenditure, or as much thereof as may be needed, be and the same is hereby authorized as follows: Division 60-15, Fund 685, Project 610793, Object Level One 06, Object Level Three 6682, OCA Code 685793, Amount \$198,441.17.

SECTION 7. That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the 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; except that no transfer shall be so made from a project account funded by monies from more than one source.

SECTION 8. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 9 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 10. That the Director of Public Utilities be and hereby is authorized to execute an agreement with DLZ Ohio, Inc., 6121 Huntley Road, Columbus, Ohio 43229, for the Division of Sewerage and Drainage, for professional engineering services in accordance with the terms and conditions on file in the office of the Division of Sewerage and Drainage.

SECTION 11. That the said engineering 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 12. That the 2008 Capital Improvements Budget Ordinance No. 0690-2008 is hereby amended as follows, to provide sufficient budget authority for the expenditures associated with the Scioto River Study:

<u>Proj. No.</u>	<u>Proj. Name</u>	<u>Current Authority</u>	<u>Revised Authority</u>	<u>(Amount of Change)</u>
610939-100000	Third Avenue Underpass Drainage	\$200,000	\$1,558	(-\$198,442)
610793-100000	Scioto River Study	\$0	\$198,442	(+\$198,442)

SECTION 13. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is 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.