



Legislation Text

File #: 0928-2013, Version: 1

1. BACKGROUND: This Ordinance authorizes the Director of Public Utilities to modify and increase the professional engineering services agreement with ms consultants, inc. for the Upground Reservoirs - Engineering Services During Construction Phase, for the Division of Water Contract No. 1032.

The original agreement provided for professional engineering services for the design and preparation of construction contract documents for the Upground Reservoir project.

Modification No's. 1 and 2 provided for engineering services during construction, which were planned modifications stated in the original legislation under Ordinance No. 0825-2004.

It is necessary to modify this agreement a third and final time to include: the remainder of Engineering Services During Construction and for Post-Construction Engineering Services for the three current Upground Reservoir contracts; Also, it is necessary to modify this agreement to include: Bidding Services, Engineering Services During Construction, and Post-Construction Engineering Services for the Borrow Area Restoration Project (a future Preservation Park) that will be constructed on Upground Reservoir R-2 Property.

The Borrow Area Restoration Project bid is expected to occur in the 3rd quarter of 2013. Construction is expected to begin the 4th quarter of 2013 and completion is expected by the end of 2014.

1.1 Amount of additional funds to be expended: \$3,549,000.00

Original Contract Amount:	\$ 8,098,000.00
Modification No. 1	\$ 2,000,000.00
Modification No. 2	\$ 3,105,000.00
<u>Modification No. 3 (current)</u>	<u>\$ 3,549,000.00</u>
Total (Orig. + Mods 1 - 2)	\$16,752,000.00

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

This was a planned contract modification identified in the original contracting legislation Ordinance No. 0825-2004, the first contract modification Ordinance No. 1705-2011, and the second contract modification Ordinance No. 2142-2011.

1.3. Reason other procurement processes are not used:

This was a planned contract modification identified in the original contracting legislation as well as modifications one through two. The Design Engineer will be involved providing engineering services during construction to ensure the design intent is met during the construction phase.

1.4. How cost of modification was determined:

Costs were submitted by the Consultant and reviewed and verified by the City Project Manager.

2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT: As central Ohio continues to grow additional water supply sources must be developed. To address the growing needs, three upground reservoirs located near the Scioto River in northwestern Delaware County were recommended in the Water Beyond 2000 Study as a way to supplement the water supplies needed to support projected economic development in Franklin County. The R-2 reservoir, the largest of the three recommended, was designed and construction started in 2011.

Community Open House events were held on July 13, 2006, October 19, 2006, October 25, 2007, and April 7, 2011. Multiple Stakeholder briefing meetings were held during the design phase in 2006-2007.

Environmental coordination meetings were held with:

- Ohio Environmental Protection Agency
- Ohio Department of Natural Resources
- Ohio Department of Transportation
- Preservation Parks of Delaware County
- US Army Corps of Engineers
- US Fish and Wildlife Service
- Delaware County Soil & Water Conservation District

Permits from both the Army Corps of Engineers (CWA Section 404 Permit) and Ohio EPA (CWA Section 401 Water Quality Certification) were secured and mitigation requirements negotiated with these entities. Mitigation includes removal of the low-head dam at Prospect, Ohio and development of new wetlands site in western Franklin County.

3. CONTRACT COMPLIANCE INFO: 34-6546916, expires 4/5/14, Majority Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against ms consultants, inc.

4. FISCAL IMPACT: There are sufficient funds within the Water Permanent Improvements Fund for this project. This ordinance is contingent upon the passage 0384-2013, which establishes appropriation in said project.

To authorize the Director of Public Utilities to enter into a planned modification for the professional engineering services agreement with ms consultants, inc. for the Upground Reservoirs - Engineering Services During Construction Phase; for the Division of Water; and to authorize an expenditure up to \$3,549,000.00 from the Water Permanent Improvements Fund. (\$3,549,000.00)

WHEREAS, Contract No. EL005044 was authorized by Ordinance No. 0825-2004, passed June 21, 2004, was executed September 8, 2004, and approved by the City Attorney on September 22, 2004; and

WHEREAS, Modification #1 to the original contract number, EL011352, was authorized by Ordinance No. 1705-2010, passed December 13, 2010, was executed February 23, 2011, and signed by the City Attorney on March 2, 2011; and

WHEREAS, Modification #2 to the original contract number, EL012520, was authorized by Ordinance No. 2142-2011, passed February 27, 2012, was executed March 7, 2012, and signed by the City Attorney on March 19, 2012; and

WHEREAS, Modification #3 is needed for continued engineering services during construction and final contract completion; and

WHEREAS, it is necessary for this Council to authorize the Director of Public Utilities to modify and increase the professional engineering services agreement with ms consultants, inc. for continued engineering services construction within the Water Permanent Improvements Fund; and

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Utilities, Division of Water, to authorize the Director of Public Utilities to modify and increase the professional engineering services contract with ms consultants, inc., for the Upground Reservoirs - Engineering Services During Construction Phase, 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 is hereby authorized and directed to modify and increase the professional engineering services agreement with ms consultants, inc. for the Upground Reservoirs - Engineering Services During Construction Phase, in the amount of \$3,549,000.00.

SECTION 2. That this contract modification is in compliance with Section 329.16 of Columbus City Codes, 1959.

SECTION 3. That the expenditure of \$3,549,000.00 is hereby authorized for the Upground Reservoirs - Engineering Services During Construction Phase within the Water Permanent Improvements Fund, Fund No. 608, Division 60-09, Project No. 690370-100000 (carryover), Object Level Three 6677, OCA Code 608380.

SECTION 4. That the funds necessary to carry out the purpose of this Ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 5. That the City Auditor is hereby authorized and directed 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 no longer required for said project; except that no transfer shall be made from a project account 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 this Ordinance shall take effect and be in force from and after the earliest period allowed by law.