



## Legislation Text

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**File #: 1471-2024, Version: 1**

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### **1. BACKGROUND**

This ordinance authorizes the Director of Public Service to modify a professional services contract with ms consultants, inc. to add additional funds for design on the Roadway - Stormwater Design General Engineering contract.

Ordinance 3241-2022 authorized the Director of Public Service to enter into a professional services contract with ms consultants, inc. for the Roadway - Stormwater Design General Engineering contract. The intent of this project is to provide the City of Columbus, Department of Public Service, additional resources for engineering services for the design and investigation of regional stormwater basins and roadway drainage improvements. This ordinance authorizes the Director of Public Service to modify the contract in the amount of \$115,000.00.

#### **1.1 Amount of additional funds to be expended: \$150,000.00**

The original contract amount:	\$650,000.00	(PO364723, Ord. 3241-2022)
The total of Modification No. 1:	\$115,000.00	(This Ordinance)
The contract amount including all modifications:	\$765,000.00	

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

This modification is necessary in order to authorize the environmental services and monitoring work required to obtain final acceptance from Department of Sewers and Drains (DOSD) on the Parsons Avenue Basin. Due to issues with the existing high water table, we are unable to achieve permanent stabilization on the bottom 1-2' of the constructed Parsons Avenue basin. DOSD will not provide final construction acceptance until complete stabilization is achieved. This modification will provide the necessary funding for the design, environmental, and monitoring services that ms consultants, inc. will complete in order to achieve the required stabilization.

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

ms consultants, inc. is the original designer of the Parsons Basin and has all of the historical information on the project. The environmental work required also needs to be completed within a certain window this June/July, and such bidding this out separately would not allow for that schedule to be met.

#### **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/contract.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against ms consultants, inc.

### **2. CONTRACT COMPLIANCE**

The contract compliance number for ms consultants, inc. is CC006998 and expires 12/1/2025.

### **3. FISCAL IMPACT**

Funding for this contract is available and appropriated within Fund 7704, the Streets and Highways Bond Fund. An amendment to the 2023 Capital Improvement Budget and a transfer of cash is required to establish sufficient budget authority for the project. Funds are appropriated.

#### **4. MINORITY AND WOMAN OWNED BUSINESS ENTERPRISE & SMALL LOCAL BUSINESS ENTERPRISE PROGRAM**

This contract was bid with a City of Columbus MBE/WBE Program goal of 18% as assigned by the City’s Office of Diversity and Inclusion (ODI). Failure by the contractor to meet this goal subjects the contractor to the Penalties for Non-Compliance as described in the “City’s Minority and Women-Owned Business Enterprise & Small Local Business Enterprise Program Manual” and in the “City of Columbus MBE/WBE Program Special Provision” that were part of the bid documents for this contract.

#### **5. EMERGENCY DESIGNATION**

Emergency action is requested to complete the project in a timely manner, to preserve the safety of the traveling public. Additionally, the associated environmental work needs to be completed within a window this June/July 2024 - emergency legislation will be needed in order to issue a Notice To Proceed that allows for completion of that work within that window.

To amend the 2023 Capital Improvement Budget; to authorize the transfer of funds within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into a contract modification with ms consultants, inc. in connection with the Roadway - Stormwater Design General Engineering project; to authorize the expenditure of up to \$115,000.00 from the Streets and Highways Bond Fund for the project; and to declare an emergency. (\$115,000.00)

**WHEREAS**, contract no. PO364723 with ms consultants, inc., in the amount of \$650,000.00, was authorized by ordinance no. 3241-2022; and

**WHEREAS**, it has become necessary to modify the contract in an amount up to \$115,000.00 and provide additional funds for the Roadway - Stormwater Design General Engineering project; and

**WHEREAS**, it is necessary to amend the 2023 Capital Improvement Budget and transfer cash to provide funding for project expenditures; and

**WHEREAS**, it is necessary to appropriate and expend funds relative to the project; and

**WHEREAS**, this contract opportunity was submitted to the City’s Office of Diversity and Inclusion (ODI) for review and assignment of an MBE/WBE goal prior to bidding; and

**WHEREAS**, this contract was bid with a City of Columbus MBE/WBE Program goal of 18% as assigned by the City’s Office of Diversity and Inclusion (ODI); and

**WHEREAS**, failure by the contractor to meet this goal subjects the contractor to the Penalties for Non-Compliance; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to enter into a contract modification with ms consultants, inc. to prevent delays in the project schedule, to preserve the safety of the traveling public thereby preserving 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 2023 Capital Improvements Budget authorized by Ordinance 1711-2023 be amended to establish sufficient authority for this project:

#### **Fund / Project / Project Name / C.I.B. / Change / C.I.B. as Amended**

7704 / P530161-100195 / Roadway Improvements - Stormwater Regional Basins (Voted Carryover) / \$140,595.00 / (\$115,000.00) / \$25,595.00

7704 / P531067-100000 / Roadway - Stormwater Design General Engineering (Voted Carryover) / \$0.00 / \$115,000.00 / \$115,000.00

**SECTION 2.** That the transfer of \$115,000.00, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5911 (Infrastructure Management), Project P530161-100195 (Roadway Improvements - Stormwater Regional Basins), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P531067-100000 (Roadway - Stormwater Design General Engineering), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 3.** That the Director of Public Service be, and hereby is, authorized to modify a professional services contract with ms consultants, inc. at 2221 Schrock Road, Columbus, Ohio 43229, for the Roadway - Stormwater Design General Engineering project in an amount up to \$115,000.00.

**SECTION 4.** That the expenditure of \$115,000.00, or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5912 (Design and Construction), Project P531067-100000 (Roadway - Stormwater Design General Engineering), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 5.** Funds are hereby deemed appropriated and expenditures and transfers authorized to carry out the purposes of this ordinance and the City Auditor shall establish such accounting codes as necessary.

**SECTION 6.** 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 7.** That the City Auditor is hereby authorized to transfer the unencumbered balance in a 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.

**SECTION 8.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby 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.