



Legislation Text

File #: 0769-2016, Version: 1

1. **BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a planned modification (Mod #3) of an existing professional engineering agreement with URS Corporation - Ohio for the Big Walnut Augmentation / Rickenbacker Interceptor-Lockbourne Subtrunk (BWARI -Lockbourne Subtrunk), CIP 650491-100002. The original contract was for the design of a 12-ft diameter tunnel including a 60-in diameter sanitary sewer. Modification #1 was for the re-design of the tunnel utilizing a 78-in diameter along the original alignment including a 60-in diameter sanitary sewer. Modification #2 was for the design of the new alignment required for the 78-in diameter tunnel along with the original 60-in sanitary sewer. Modification #3 contains both planned and unplanned items: Completion of a Value Engineering Study as well as engineering services during construction. Note: funding for this modification came from the cancellation of EL017639, which was created by Ordinance 1813-2015.

Modification #4 (Future): Engineering services during construction.

It should be noted that items A through D listed below are additional tasks that were added to the planned modification for engineering services during construction. It was requested that these items be added as a potential construction cost savings measure.

This contract modification authorizes the following:

- a. Conduct a Value Engineering (VE) study of the project.
- b. Make any plan, specification or Geologic Baseline Report (GBR) changes required/recommended from the VE process.
- c. Completion of an independent construction cost estimate.
- d. Evaluate gravity connection options for Rickenbacker lift station 904 to the future Lockbourne Intermodal Sewer (LIS) subtrunk.
- e. Complete the required Permits to Install (PTI) permits.
- f. Conduct the first 12 months of engineering services during construction as detailed in the attached scope document (for the remainder of the Engineering Services During Construction).

2. **PROJECT MODIFICATION INFORMATION:** This modification has been added because it was determined that the original estimate for engineering services during construction was based on 12 months instead of the anticipated 30 month construction schedule.

2.1 **Amount of additional funds to be expended: \$1,104,972.92**

Original Contract	\$3,865,122.72
Modification # 1	\$1,326,630.00
Modification #2	\$ 623,354.44
<u>Current Modification #3</u>	<u>\$1,104,972.92</u>
TOTAL	\$6,920,080.08

Added Future Modification # 4	\$1,000,000.00
Future Total	\$7,920,080.08

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

This was a planned and anticipated modification.

2.3 Reason other procurement processes are not used:

Re-bid of the project under the new requirements will likely result in a higher project costs as much of the project history would be lost and required to be rediscovered by another consultant unless won by the same consultant. In such a case, we would have wasted significant time in acquiring and evaluating the new proposals without significant benefit.

2.4 How cost of modification was determined:

The costs of Mod #3 were determined by negotiations between URS and DOSD.

3. **PROJECT TIMELINE:** Value engineering/constructability services, initial construction services (during October 2016 through March 2017), and an independent construction cost estimate for the LIS. These services would begin in October, 2015 and extend through March, 2017 (18 months total).

4. **Contract Compliance No.:** 34-0939859 | MAJ | Exp. 07/01/2017

This company is not debarred according to the Federal Excluded Parties Listing or the State Auditor's Findings for Recovery Database.

5. **DESIGNATION:** Emergency designation **is requested** at this time.

A portion of this modification is to add a Value Engineering (VE) study task to the design of the project. The VE study is intended to validate the design and determine if there are any cost or construction time saving measures that could be implemented before the project is bid. Due to insufficient funds remaining in the design contract to complete the VE task, it has been added to the planned engineering services during construction modification. In order to have time to incorporate any plan alterations the VE may recommend and maintain our construction advertisement date we are requesting emergency legislation so the work can begin as soon as possible.

6. **ECONOMIC IMPACT:** This project is to be undertaken as part of the JEDD (Joint Economic Development District) the City of Columbus entered into with Harrison Township and the Village of Ashville which will allow for the development of the Intermodal Facility and the 936+ acre area surrounding it.

7. **FISCAL IMPACT:** This ordinance authorizes the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation (G.O.) Bond Fund, Fund 6109; to authorize the expenditure of \$1,104,972.92 from the G.O. Bond Fund, Fund 6109. Monies for this contract from the Sanitary Sewer Reserve Fund will be provided from a future Bond Sale via the transfer detailed in this ordinance. Funding for this modification came from the cancellation of EL017639, which was created by Ordinance 1813-2015

This legislation authorizes the Director of Public Utilities to enter into a planned modification of a professional engineering services agreement with URS Corporation - Ohio for the Big Walnut Augmentation / Rickenbacker Interceptor-Lockbourne Subtrunk; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation (G.O.) Bond Fund and to authorize the expenditure of \$1,104,972.92 from the Sanitary Sewer General Obligation (G.O.) Bond Fund; and declare an emergency. (\$1,104,972.92)

WHEREAS, Contract No. EL006629 was authorized by Ordinance No. 1894-2006, as passed by Columbus City Council on November 20, 2006 for the purpose of authorizing the Director of Public Utilities to enter into a contract for professional engineering services with URS Corporation - Ohio for the Lockbourne Intermodal Sewer project; this contract was executed December 12, 2006, and was approved by the City Attorney on December 19, 2006 in the amount of \$3,865,122.72; and

WHEREAS, Contract No. EL010919 for \$1,326,630.00 was authorized by Ordinance 0879-2010, passed by City Council on July 19, 2012; executed by the Director of Public Utilities on September 14, 2010; and approved by the City Attorney on September 16, 2010; and

WHEREAS, Contract No. EL013642 for \$623,354.44 was authorized by Ordinance 2011-2012, passed by City Council on October 15, 2012; executed by the Director of Public Utilities on November 16, 2012; and approved by the City Attorney on November 20, 2012; and certified by the City Auditor on November 27, 2012; and

WHEREAS, this modification is to add a Value Engineering (VE) study task to the design of the project; and

WHEREAS, VE study is intended to validate the design and determine if there are any cost or construction time saving measures that could be implemented before the project is bid; and

WHEREAS, it is necessary to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation (G.O.) Bond Fund

WHEREAS, Funding for this modification came from the cancellation of EL017639, which was created by Ordinance 1813-2015; and

WHEREAS, it is necessary to transfer funds from the Sanitary Sewer Reserve Fund in the amount \$1,104,972.92 for this project; and

WHEREAS, it is necessary for City Council to authorize the expenditure of funds from the Sanitary Sewer System GO Bond Fund, Fund 6109; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Sanitary Reserve Fund; and

WHEREAS, the aggregate principal amount of obligations which the City will issue to finance this modification is presently expected to not exceed \$1,104,972.92; 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"); and

WHEREAS, an emergency exists in the usual daily operations of the Division of Sewerage and Drainage, Department of Public Utilities, in that it is immediately necessary for this Council to authorize the Director of Public Utilities to enter into a planned contract modification (Mod #3) an existing professional engineering agreement with URS Corporation - Ohio for the Big Walnut Augmentation / Rickenbacker Interceptor-Lockbourne Subtrunk (BWARI -Lockbourne Subtrunk) at the earliest practicable date; **Now, Therefore,**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Utilities is hereby authorized to modify an existing engineering agreement with URS Corporation - Ohio, 277 West Nationwide Blvd., Columbus, Ohio 43215 for the Big Walnut Augmentation / Rickenbacker Interceptor-Lockbourne Subtrunk in accordance with the terms and conditions as shown in the agreement on file in the office of the Division of Sewerage and Drainage.

SECTION 2. That from the unappropriated monies in the Sanitary Sewer Reserve Fund No. 6102, Sub-fund 610201, 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, 2016, the sum of \$1,104,972.92 is hereby appropriated to the Division of

Sewerage and Drainage.

SECTION 3. That the City Auditor is hereby authorized to transfer and appropriate a total \$1,104,972.92 from the Sanitary Sewer Reserve Fund to the Sanitary Sewer Bond Fund, Fund 6109, into the Big Walnut Augmentation/Rickenbacker Interceptor-Lockbourne Subtrunk (BWARI - Lockbourne Subtrunk), 650491-100002, at such time as deemed necessary by the Auditor, or so much thereof as may be necessary per the account codes in the attachment to this ordinance.

SECTION 4. That the Director of Public Utilities is hereby authorized to expend up to \$1,104,972.92 for the Big Walnut Augmentation/Rickenbacker Interceptor-Lockbourne Subtrunk per the attached accounting codes for this ordinance. (Note: funding for this modification came from the cancellation of EL017639, which was created by Ordinance 1813-2015).

SECTION 5. That the said firm, URS Corporation - Ohio, shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 6. 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 7. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 8. 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 9. That upon obtaining other funds for the purpose of funding sanitary sewer system capital improvement work, the City Auditor is hereby authorized to repay the Sanitary Sewer Reserve Fund the amount transferred above (Section 3), and said funds are hereby deemed appropriated for such purposes.

SECTION 10. That the City intends that this Ordinance constitutes 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 \$1,104,972.92 (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 Sanitary/Sewer Reserve Fund 6102, which is the fund from which the advance for costs of the Project will be made.

SECTION 11. 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 12. 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 which 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.