



## Legislation Text

File #: 3345-2023, Version: 1

### 1. BACKGROUND

This ordinance authorizes the Director of Public Utilities to enter into a professional services contract with Burgess & Niple, Inc. for the O’Shaughnessy Dam 9th FERC Independent Consultant Review project, CIP #690251-100002, in an amount up to \$301,400.00.

This project will complete an Independent Consultant (IC) Periodic Inspection of O’Shaughnessy Dam per federal dam safety regulatory requirements for hydropower facilities under 18 CFR Part 12D. The consultant will also complete a Security Assessment of O’Shaughnessy Dam, a Determination of the Probable Maximum Flood (PMF) of the facility, and, if needed, additional analysis or design of risk reduction measures based on the results of the Part 12D Inspection. The project is anticipated to consist of three phases: 1) IC Periodic Inspection, 2) PMF Determination, and 3) Detailed Design of identified risk reduction measures (if necessary).

This work will be primarily be performed in Columbus Community Area 99 - Citywide.

### TIMELINE & FUTURE RENEWALS

The duration of the initial contract for Phase 1 - IC Periodic Inspection is estimated to be 15 months. Phase 2 (future contact mod) - PMF Determination is expected to have a duration of 18 months. Phase 3 (if needed) - Detailed Analysis and Design and engineering services during construction (future contract mod) is expected to have a duration of 24 months. The estimated end date of the agreement is third quarter 2028.

### ESTIMATED COST OF PROJECT

The initial contract amount is \$301,400.00. The anticipated spend during the term of the contract if both contract modifications are implemented is shown below.

**Cost summary:**

Original Contract	\$301,400.00
Future Modification #1	\$800,000.00 (estimated)
Future Modification #2	\$100,000.00 (estimated)
<b>CONTRACT TOTAL</b>	<b>\$1,201,400.00 (estimated)</b>

### 2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT

The O’Shaughnessy dam impounds a water supply reservoir that supports the Dublin Road Water Plant. The dam also contains a hydropower station that provides environmentally friendly and sustainable power to the City’s Division of Power. As a hydropower capable facility, it falls under the jurisdiction of 18 CFR 12 - Safety of Hydropower facilities and is regulated by the Federal Energy Regulatory Commission (FERC). The Part 12D Independent Consultant Inspection is required for ongoing use and operation of the dam and power station. Additionally, an accurate and up to date PMF is necessary for future evaluations and analyses of the dam.

Public informational meetings are not anticipated for this project.

### 3. PROCUREMENT

The Department of Public Utilities advertised a Request for Proposals on the Vendor Services and Bonfire websites from August 17, 2023, through September 15, 2023, in order to solicit proposals for the O’Shaughnessy Dam 9th FERC

Independent Consultant Review project with the intention of awarding a contract. Proposals were received from the following companies:

Burgess & Niple, Inc.	Columbus, OH	MAJ
Tetra Tech, Inc.	Columbus, OH	MAJ

All proposals were considered responsive and were evaluated by the evaluation committee. Burgess & Niple, Inc. is the company that was scored the highest by the evaluation committee and will be offered a contract if City Council approves.

As part of their proposal, Burgess & Niple, Inc. proposed the following subcontractors to perform contract work:

<u>Company Name</u>	<u>City/State</u>	<u>ODI Certification Status</u>
HDR	Columbus	MAJ
NEAS	Columbus	MBE

The certifications of Burgess & Niple, Inc., and the above subcontractors were in good standing at the time the bid was awarded.

#### 4. CONTRACT COMPLIANCE INFORMATION

Burgess & Niple, Inc.'s contract compliance number is CC004425 and expires 2/9/2024.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) did not reveal any exclusions for Burgess & Niple, Inc. or any sub-consultants.

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

This contract was bid with an anticipated City of Columbus MBE/WBE Program goal of 15% as assigned by the City's Office of Diversity and Inclusion (ODI). ODI has approved an MBE/WBE Program goal of 15% for this contract. Failure by the contractor to meet this goal subjects the contractor to the Penalties for Non-Compliance as described in the terms and conditions that were part of the bid documents for this contract.

#### 6. FISCAL IMPACT

Funds in the amount of \$301,400.00 are available and appropriated within the Water Bond Fund, Fund 6006. An amendment to the 2023 Capital Improvement Budget is necessary to align budget authority with the proper projects. A transfer of cash and appropriation within the Water Bond Fund is needed to align cash and appropriation with the proper projects.

#### 7. EMERGENCY DESIGNATION

Emergency designation is requested to meet the Federal Energy Regulatory Commission (FERC) mandated deadline for regulatory compliance for the Independent Consultant (IC) Inspection Report. A series of interim milestones are required to be met. The first milestone is the submission of an Inspection Plan for FERCs review that is due in early March 2024. This Inspection Plan includes reviewing existing information and developing the plan by the consultant. In order for the consultant to have adequate time to meet the FERC deadlines, this contract needs to be started as soon as possible.

To authorize the Director of the Department of Public Utilities to enter into a professional services contract for O'Shaughnessy Dam 9th FERC Independent Consultant Review with Burgess & Niple, Inc.; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize a transfer of cash and appropriation between projects within the Water Bond Fund; to authorize an expenditure of up to \$301,400.00 from the Water Bond Fund for the contract; and to declare an emergency. (\$301,400.00)

**WHEREAS**, the Department of Public Utilities advertised a Request for Proposals for the O'Shaughnessy Dam 9th FERC Independent Consultant Review project; and

**WHEREAS**, Burgess & Niple, Inc. was the firm selected by the evaluation committee to provide these services; and

**WHEREAS**, the Director of the Department of Public Utilities will need to be authorized to enter into a contract with Burgess & Niple, Inc. for the O’Shaughnessy Dam 9th FERC Independent Consultant Review project; and

**WHEREAS**, an amendment to the 2023 Capital Improvement Budget is needed to align budget authority with the proper project; and

**WHEREAS**, it is necessary to transfer cash and appropriation within the Water Bond Fund to align cash and appropriation with the proper project; and

**WHEREAS**, funds must be expended to pay for the engineering services that Burgess & Niple, Inc. will provide under the O’Shaughnessy Dam 9th FERC Independent Consultant Review contract; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately necessary to execute the contract in order to meet the Federal Energy Regulatory Commission (FERC) mandated deadline for regulatory compliance for the Independent Consultant Inspection Report, which consists of a series of interim milestones. The first milestone is the submission of an Inspection Plan for FERCs review that is due in early March 2024. This Inspection Plan includes reviewing existing information and developing the plan by the consultant. In order for the consultant to have adequate time to meet the FERC deadlines, this contract needs to be started as soon as possible, 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 Improvement Budget authorized by Ordinance 1711-2023 be amended as follows to establish sufficient budget authority for this project:

<u>Fund / Project Number / Project Name (Funding Source) / Current Authority / Revised Authority / Change</u>
6006 / 690236-100104 / Edsel Avenue Area Water Line Improvements (Voted Water Carryover) / \$450,000.00 / \$248,600.00 / (\$201,400.00)
6006 / 690251-100002 / O’Shaughnessy Dam 9th FERC Independent Consultant Review (Voted Water Carryover) / \$100,000.00 / \$301,400.00 / \$201,400.00

**SECTION 2.** That the transfer of cash between projects within the Water Bond Fund, Fund 6006, is authorized per the accounting codes in the attachment to this ordinance.

**SECTION 3.** That the Director of Public Utilities is hereby authorized to enter into a contract with Burgess & Niple, Inc., 330 Rush Alley, Suite 700, Columbus, OH 43215, for the O’Shaughnessy Dam 9th FERC Independent Consultant Review project, in an amount up to \$301,400.00 in accordance with the terms and conditions as shown in the contract on file with the Department of Public Utilities.

**SECTION 4.** That the expenditure of up to \$301,400.00 is hereby authorized 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 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 (10) days after passage if the Mayor neither approves nor vetoes this Ordinance.