



## Legislation Text

File #: 0997-2014, Version: 1

**1. BACKGROUND:** The Department of Public Utilities, Division of Sewerage and Drainage entered into a maximum reimbursement agreement with the Columbus Downtown Development Corporation (CDDC) for the Scioto Greenways Project., Ordinance No. 1562-2012, passed July 30, 2012. The agreement was for design work and anticipated that a future appropriation by Columbus City Council would be required to fund the construction portion of this project.

The Department of Public Utilities is requesting to modify the original contract to increase the total reimbursement amount from \$4,000,000.00 to \$4,083,704.00, and to encumber \$3,847,393.00 for the construction of several park improvements, and the related utility and bridge improvements along both sides of the Scioto River between the confluence of the Scioto River and the Olentangy River to a distance of approximately 800 feet south of the current Main Street dam.

### **2. ORIGINAL ENGINEERING CONTRACT AWARD:**

A reimbursement agreement between the Columbus Downtown Development Corporation (CDDC) and the City was entered into to perform professional engineering and construction services work related to Public Utilities that were necessary due to the removal of the Main Street Dam. The work includes evaluation of the Franklinton Floodwall, OSIS protection, sanitary sewer force main protection, and extension of storm and combined sewer outfalls.

#### **2.1 Amount of additional funds to be expended: \$3,847,393.00**

Original Contract Amount:	\$ 236,311.00 (EL013497)
Modification #1: (current):	<u>\$3,847,393.00</u>
Amount of original contract and Mod #1:	\$4,083,704.00

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

It was anticipated that a future appropriation by Columbus City Council would be required to fund the construction portion of this project. These additional costs could not be quantified at the time of the original agreement.

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

The work proposed by this contract modification overlaps with the previously legislated design improvements. By combining the work into one project, the construction services are more economical. The disruption to the community will be minimized by having all work done under one construction contract.

#### **2.4 How cost of modification was determined:**

A cost proposal was provided by the Columbus Downtown Development Corporation (CDDC), reviewed by the Department of Public Utilities, and was deemed acceptable.

**3. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT:** No environmental impact is anticipated at this time. Further community outreach will result through the Columbus Downtown Development Corporation.

### **4. FISCAL IMPACT:**

A transfer within and the expenditure of \$1,707,000.00 from the Sanitary Sewer General Obligation Bond Fund, Fund 664 and \$2,140,393.00 from the Storm Water Bond Fund, Fund 685 to provide sufficient budget authority; and to amend the 2014 Capital Improvements Budget will be necessary. The legislation also authorizes a modification to the original agreement to increase the total reimbursement amount from \$4,000,000.00 to \$4,083,704.00

**CONTRACT COMPLIANCE INFO:** 76-0704655 | Expiration 2/14/16 | MAJ

**5. EMERGENCY DESIGNATION:** The Division of Sewerage and Drainage is requesting that City Council designate this ordinance as an emergency measure in order to expedite the reimbursement for total costs necessary to ensure the continuation of this schedule sensitive work in coordination with other related projects and entities.

To authorize the Director of Public Utilities to modify and increase the maximum guaranteed reimbursement agreement with the Columbus Downtown Development Corporation for the Scioto Greenways Project from \$4,000,000.00 to \$4,083,704.00; to amend the 2014 Capital Improvements Budget; and to authorize a transfer and expenditure up to \$1,707,000.00 within the Sanitary Sewer General Obligation Bond Fund and \$2,140,393.00 within the Storm Water Bond Fund, and to declare an emergency.

**WHEREAS,** Contract No. EL013497 was authorized by Ordinance No. 1562-2012, passed July 30, 2012, was executed on August 16, 2012, and was approved by the City Attorney on August 16, 2012, with the Columbus Downtown Development Corporation (CDDC) for the Scioto Greenways Project, for the Division of Sewerage and Drainage; and

**WHEREAS,** it is necessary to increase the total reimbursement amount from \$4,000,000.00 to \$4,083,704.00 to cover all design and construction costs; and

**WHEREAS,** it is necessary to authorize the transfer within and expenditure of up to \$1,707,000.00 funds from the Sanitary Sewer General Obligation Bond Fund, Fund 664; and

**WHEREAS,** it is necessary to authorize the transfer within and expenditure of up to \$2,140,393.00 funds from the Storm Water Bond Fund, Fund 685; and

**WHEREAS,** it is necessary to authorize an amendment to the 2014 Capital Improvements Budget for purposes of creating and providing sufficient budget authority for the aforementioned project expenditure; and

**WHEREAS,** an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately to authorize the Director to modify the reimbursement agreement with the CDDC in order to ensure the continued progress of this time sensitive work in coordination with other related projects; for the immediate preservation of the public health, peace, property, welfare and safety; **Now, Therefore,**

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

**SECTION 1.** That the Director of Public Utilities be, and hereby is, authorized and directed to modify and increase the reimbursement agreement with CDDC for the Scioto Greenways Project from \$4,000,000.00 to \$4,083,704.00, and to encumber the amount of \$3,847,393.00 to reimburse the construction costs.

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

**SECTION 3.** That the City Auditor is hereby authorized to transfer \$1,707,000.00 within the Sanitary Sewer General Obligation Fund, Fund 664 | Division of Sewerage and Drainage | Div. 60-05 | Obj. Lvl 3 6630;

**FROM:**

**Proj. No. | Proj. Name | OCA | Amount**

664 | 650343-100002 | SWWTP Major Incineration Rehabilitation | 643432 | -\$1,423,000.00

664 | 650333-100000 | WWTP's Ash Lagoons | 664333 | -\$284,000.00

**TO:**

**Proj. No. | Proj. Name | OCA | Amount**

664 | 650115-100000 | Scioto Greenways | 664115 | +\$1,707,000.00

**SECTION 4.** That the expenditure of up to \$1,707,000.00, or as much thereof as may be needed, is hereby authorized from the Sanitary General Obligation Bond Fund, Dept./Div. 60-05; Obj. Lvl 3 - 6630 as follows:

**Fund No. | Proj. No. | Proj. Name | OCA | Amount**

Fund 664 | 650115-100000 | Scioto Greenways Project | 664115 | \$1,707,000.00

**SECTION 5.** That the City Auditor is hereby authorized to transfer \$2,140,393.00 within the Department of Public Utilities, Division of Sewerage and Drainage | Dept./Div. No 60-15 | Storm Sewer Bonds Fund | Fund 685 | Object Level Three 6621, as follows:

**FROM:**

**Fund No. | Proj. No. | Proj. Name | OCA | Amount**

685 | 610990-100001 | Woodward, Wildwood, and Woodnell SSI | 699001 | -\$2,140,393.00

**TO:**

**Fund No. | Project No. | Project Name | OCA Code | Amount**

685 | 611015-100000 | Main Street Dam | 685015 | +\$2,140,393.00

**SECTION 6.** That the expenditure of \$2,140,393.00 is hereby authorized from the Storm Sewer Bonds Fund, Fund 685, Division 60-15, Project No. 611015-100000, Main Street Dam, OCA 685015, Object Level Three 6621.

**SECTION 7.** That the 2014 Capital Improvements Budget is hereby amended as follows, to provide sufficient budget authority for the award of the agreement stated herein.

**Sanitary:**

**Fund No. | Project No. | Project Name | Current Authority | Revised Authority | (Change)**

(Note: All Authority is from Carryover Funding)

664 | 650343-100002 | SWWTP Major Incineration Rehab | \$1,423,000 | \$0 | (-\$1,423,000)

664 | 650333-100000 | WWTP's Ash Lagoons | \$1,256,495 | \$972,495 | (-\$284,000)

664 | 650115-100000 | Scioto Greenways | \$0 | +\$1,707,000 | (+\$1,707,000)

**Storm:**

**Fund No. | Project No. | Project Name | Current Authority | Revised Authority | (Change)**

685 | 610990-100001 | Woodward, Wildwood, and Woodnell SSI | \$2,200,000 | \$59,607 | (-\$2,140,393)

685 | 611015-100000 | Main Street Dam | \$0 | \$2,140,693 | \$2,140,393

**SECTION 8.** 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 9.** 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 10.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 11.** 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 12.** That the contracted firm shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Power and Water.

**SECTION 13.** 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.