



## Legislation Text

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**File #: 3042-2023, Version: 1**

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### **1. BACKGROUND**

This ordinance authorizes the Director of Public Utilities to enter into a contract modification with Stantec Consulting Services, Inc., for construction administration/inspection services for Department of Public Utilities construction projects bid during the calendar years 2023 through 2025 as part of the Construction Administration/Construction Inspection Services 2023-2025 contracts.

Stantec Consulting Services will be assigned construction projects as tasks on their contract and will ensure the work is performed to City of Columbus construction standards and specifications. As projects are added to the contract, the contract will be modified to authorize Stantec Consulting Services to perform the work and to add funding to pay for the work.

The construction projects to be administered by Stantec Consulting Services under this contract modification are CIP #650790-122181, 650790-122182, and 690236-100176 (Inflow Redirection Markison / Hydraulic Modification to CSO Regulator Markison, & Wilson Rd Area Waterline Improvements).

This work will primarily be performed in Community Planning Area “63 - South Side”.

#### **1.1. Amount of additional funds to be expended: \$1,607,074.22**

Original Contract:	\$453,854.08	(ORD 0956-2023; PO387786, PO387804, & PO387812)
Modification #1:	\$48,351.00	(ORD 1440-2023; PO407688)
Modification #2:	<u>\$1,607,074.22</u>	(Current)
Total	\$2,109,279.30	

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

This is a three-year agreement for fiscal years 2023 - 2025 and modifications were anticipated and explained in the original legislation under Ordinance 0956-2023.

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

This is a multi-year contract that will be modified as required to provide construction administration/inspection services for construction projects that bid during the three year (2023-2025) timeframe.

#### **1.4. How cost of modification was determined:**

The cost of this modification was determined by negotiations between Stantec Consulting Services and Department of Public Utilities project staff based upon the existing contract labor titles, maximum labor rates, allowable contract expenses, and the time estimated to be needed to perform contract tasks.

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

This work will ensure the Department’s construction projects are performed correctly and will last the anticipated service life. No community outreach is planned at this time.

### **3. CONTRACT COMPLIANCE INFORMATION**

Stantec Consulting Services contract compliance number is CC-000462 and expires 7/26/2025.

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

**ENTERPRISE PROGRAM**

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. ODI determined there was not an opportunity for MBE/WBE participation in this contract and did not assign a goal. This contract was not bid with a City of Columbus MBE/WBE Program goal and the requirements of the City’s MBE/WBE Program are not applicable to this contract. Stantec Consulting Services is classified as a majority owned company by ODI. Per the Utilization Plan included with this ordinance, Stantec Consulting Services plans to use the following companies that ODI has certified as MBE to perform \$199,421.00 (12.4%) of the work for this project.

The subcontractors Stantec Consulting Services proposes to use for this contract are listed below:

<b>Company Name</b>	<b>City/State</b>	<b>ODI Certification Status</b>
DHDC	Columbus, Ohio	MBE
Ascension Construction Solutions	Columbus, Ohio	MBE

Stantec Consulting Services and all subcontractors were in good standing at the time of this contract modification.

**5. FISCAL IMPACT**

Funding for this contract will be obtained through the Ohio Water Development Authority Direct Loan Program. City Council authorized this loan application and acceptance of loan funding via Ordinance 0997-2023, passed by Council on 4/24/23. CIP #650790-122182 and CIP #690236-100176 are not listed as projects anticipated to be funded through this loan program in Ordinance 0997-2023. Section 2 of the Ordinance allows the Director of the Department of Public Utilities to add projects to the list per departmental need.

The Ohio Water Development Authority (OWDA) Direct Loan Program is a reimbursement program. A purchase order will need to be established to Stantec Consulting Services for this contract modification. Public Utilities will need to pay the construction administration and inspection charges directly to Stantec Consulting Services, and then submit reimbursement requests based upon these paid invoices to OWDA for OWDA to reimburse Public Utilities.

A transfer of funds from the Sanitary Reserve Fund, Fund 6102, to the Sanitary Fresh Water Market Rate Fund, Fund 6124, in the amount of \$1,452,875.96; and a transfer of funds from the Water Reserve Fund, Fund 6003, to the Water Fresh Water Market Rate Fund, Fund 6014, in the amount of \$154,198.26 are needed to fund this contract modification. These transactions are a temporary measure that are required until a loan is executed with OWDA to reimburse both Reserve Funds. The loan is expected to be approved in November, 2023. These funds will also need to be appropriated to be transferred and then appropriated after transfer to the new Funds. An amendment to the 2023 Capital Improvement Budget is needed to align budget authority with the proper project.

To authorize the Director of Public Utilities to enter into a contract modification with Stantec Consulting Services Inc. for the Inflow Redirection on Markison, Hydraulic Modification to the Combined Sewer Overflow Regulator, and the Wilson Avenue Area Waterline Improvement projects; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize a transfer of funds from the Sanitary Reserve Fund and the Water Reserve Fund to the Sanitary Fresh Water Market Rate Fund and to the Water Fresh Water Market Rate Fund; to authorize the appropriation of funds; and to expend up to \$1,607,074.22 from Sanitary Fresh Water Market Rate Fund and the Water Fresh Water Market Rate Fund for the contract modification. (\$1,607,074.22)

**WHEREAS**, the Department of Public Utilities advertised a Request for Proposals for Construction Administration/Construction Inspection Services; and

**WHEREAS**, Stantec Consulting Services Inc. was one of six firms selected by the evaluation committee to provide these services; and

**WHEREAS**, Ordinance 0956-2023 authorized the contract with Stantec Consulting Services Inc. for these services and

assigned the first task to be performed; and

**WHEREAS**, an additional construction inspection/administration task needs to be performed; and

**WHEREAS**, the contract with Stantec Consulting Services Inc. will need to be modified to add this task to the contract and to add funding to pay for the task; and

**WHEREAS**, Ordinance 0997-2023 authorized the use of loans from the Ohio Water Development Authority (OWDA) Direct Loan Program to finance Public Utilities projects; and

**WHEREAS**, loan applications will be submitted to OWDA to finance this contract modification; 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 both appropriate and transfer funds between the Sanitary Reserve Fund and the Water Reserve Fund to the Sanitary Fresh Water Market Rate Fund and the Water Fresh Water Market Rate Fund; and

**WHEREAS**, it is necessary to appropriate funds in the Sanitary Fresh Water Market Rate Fund and the Water Fresh Water Market Rate Fund; 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 services of the Project described in this Ordinance (collectively, the “Project”); and

**WHEREAS**, funds must be expended to pay for the construction administration and inspection services Stantec Consulting Services provides under the Construction Administration/Construction Inspection Services 2023-2025 contract; **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:

**Fund / Project Number / Project Name / Current / Change / Amended**

6124 / 650790-122181 / Inflow Redirection - Markison (OWDA Direct Loan) / \$0.00 / \$1,452,876.00 / \$1,452,875.96 (To match loan amount)

6014 / 690236-100176 / Wilson Ave Area Water Line Improvements (OWDA Direct Loan) / \$0.00 / \$154,198.00 / \$154,198.00 (To match loan amount)

**SECTION 2.** That from the unappropriated monies 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 ended December 31, 2023, the sum of \$1,607,074.22 is appropriated in Fund 6102 (Sanitary Reserve Fund), and Fund 6003 (Water Reserve Fund) per the account codes in the attachment to this ordinance.

**SECTION 3.** That the transfer of \$1,607,074.22, or so much thereof as may be needed, is hereby authorized between the Sanitary Reserve Fund and the Water Reserve Fund to the Sanitary Fresh Water Market Rate Fund and to the Water Fresh Water Market Rate Fund per the accounting codes in the attachment to this Ordinance.

**SECTION 4.** That the Director of Public Utilities is authorized to enter into a contract modification for the Construction Administration/Construction Inspection Services 2023-2025 contract with Stantec Consulting Services Inc., 1500 Lake

Shore Drive, Suite 100, Columbus, Ohio 43204, for construction administration and inspection services, in accordance with the terms and conditions as shown in the contract on file with the Department of Public Utilities, in an amount not to exceed \$1,607,074.22.

**SECTION 5.** That from the unappropriated monies 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 ended December 31, 2023, the sum of \$1,607,074.22 is appropriated in Fund 6124 (Sanitary Fresh Water Market Rate Fund), and Fund 6014 (Water Fresh Water Market Rate Fund) per the account codes in the attachment to this ordinance.

**SECTION 6.** That an expenditure not to exceed \$1,607,074.22 is authorized per the accounting codes in the attachment to this Ordinance.

**SECTION 7.** That upon obtaining other funds for the purpose of funding sewer system capital improvement work, the City Auditor is hereby authorized to repay the Sanitary System Reserve Fund, Fund 6102, the amount transferred above (Section 3), and said funds are hereby deemed appropriated for such purposes.

**SECTION 8.** That the City intends that this Ordinance constitute 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 \$831,809 (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 the Sanitary Reserve Fund, Fund 6102, which is the fund from which the advance for costs of the Project will be made.

**SECTION 9.** 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 10.** That the City Auditor is 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 11.** 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 12.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.