



## Legislation Text

File #: 2779-2015, Version: 1

**1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to modify the professional engineering agreement with Evans Mechwart Hambleton & Tilton (EMH&T), Inc. for Blueprint Clintonville Weisheimer / Indian Springs Project (Mod #2), CIP 650870-100002. It is the objective of the City to mitigate overflows of Designed Sewer Relief (DSR) 335 to the 10-year Level of Service (LOS). The City will evaluate and determine if this LOS is best achieved with strictly Inflow & Infiltration (I & I) elimination with Green Infrastructure (GI).

To accomplish this objective, the scope of work for this project will include all the requisite investigation, evaluation, formulation, and design to produce fully independent construction documents for the remediation of inflow and infiltration (I & I), green infrastructure (GI) technologies and other related activities and/or documents necessary for project completion.

The scope of work for this modification is to prepare bid documents, complete project plan alterations, conduct engineering services during construction as well as the two year warranty period and prepare the final record plans. All of this work is to complete the preliminary design, to prepare construction documents for the remediation of I & I, and the improvement of water quantity and water quality within the project area(s) using integrated solutions.

### MODIFICATION INFORMATION

**1.1. Amount of additional funds to be expended: \$533,182.99**

|                                |                      |
|--------------------------------|----------------------|
| Original Contract Amount (\$): | \$ 1,220,773.21      |
| Modification #1:               | \$ 338,787.27        |
| Modification #2: (Current)     | <u>\$ 533,182.99</u> |
| TOTAL                          | \$ 2,092,743.47      |

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

This was an anticipated modification. It is a planned continuation of the services originally included within the existing contract's scope of service.

**1.3. 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.

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

The costs of Mod #2 were determined by negotiations between EMH&T and DOSD.

**2. THE PROJECT TIMELINE:** It is anticipated that the construction plans will be completed in the 4<sup>th</sup> quarter of 2015 which will allow for the project to be advertised for construction in early 2016 with project completion estimated in four years.

**3. EMERGENCY DESIGNATION:** An emergency designation **is not requested** at this time.

**4. CONTRACT COMPLIANCE No.:** 31-0685594 | MAJ | Exp. 09/23/2017

**5. ENVIRONMENTAL IMPACT:** The City has embarked upon its approved Wet-Weather Management Plan (WWMP). Currently, that plan is almost entirely comprised of a series of treatment plant capacity upgrades, storage tanks, tunnels, and other piping system augmentations; collectively known as “gray” infrastructure. After approval of the WWMP, the use of more renewable, sustainable, and environmentally friendly systems, commonly referred to as “green” infrastructure, has been recognized and implemented in many communities as a potential solution to many of the elements associated with consent order requirements.

It is anticipated there will be a greater impact to both economic impact and advantages by implementing a group of smaller projects which would be conducive for competition with local suppliers and vendors as opposed to the large scale, previously devised, WWMP projects.

Community and Outreach for the project will be conducted by the City, the selected consultant and the Public Outreach Consultant, Brown and Caldwell, which is currently under contract for this work.

**6. FISCAL IMPACT:** This ordinance authorizes the appropriation and transfer of \$533,182.99 from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation (G.O.) Bond Fund, Fund 664; to authorize the creation of sufficient budget authority; to authorize the expenditure of up to \$533,182.99 from the G.O. Bond Fund, Fund 664 and to amend the 2015 Capital Improvements Budget to establish sufficient budget authority for this ordinance. 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.

To authorize the Director of Public Utilities to modify the professional engineering services agreement with Evans Mechwart Hambleton & Tilton (EMH&T), Inc. for the Blueprint Clintonville Weisheimer/Indian Springs Project (Mod #2); to authorize the appropriation and transfer of \$533,182.99 from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation (G.O.) Bond Fund; to authorize the expenditure of up to \$533,182.99 from the Sanitary Sewers General Obligation Bond Fund; and to amend the 2015 Capital Improvements Budget. (\$533,182.99)

**WHEREAS**, it is the objective of the City to mitigate overflows of DSR 335 to the 10-year level of service. The City will evaluate and determine if this LOS is best achieved with strictly I&I elimination with GI or in combination with some gray infrastructure; and

**WHEREAS**, the original contract number EL014343 was authorized by Ordinance No. Ord 0829-2013 passed by the Columbus City Council on April 22, 2013, executed by the Director of Public Utilities May 02, 2013, approved by the City Attorney on May 21, 2013, and certified by the City Auditor on May 23, 2013; and

**WHEREAS**, the original contract number EL016649 was authorized by Ordinance No. 2682-2014 by the Columbus City Council on December 15, 2014; executed by the Director of Public Utilities January 26, 2015, approved by the City Attorney on January 28, 2015, and certified by the City Auditor on January 29, 2015.; and

**WHEREAS**, it is necessary to authorize the appropriation and transfer of \$533,182.99 from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation (G.O.) Bond Fund; and

**WHEREAS**, it is necessary for City Council to authorize the expenditure of up to \$533,182.99 from the Sanitary Sewer System GO Bond Fund, Fund 664; and

**WHEREAS**, it is necessary to amend the 2015 Capital Improvements Budget for purposes of creating and providing sufficient budget authority for the aforementioned expenditures; 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 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**, it has become necessary in the usual daily operation of the Division of Sewerage and Drainage, Department of Public Utilities, to authorize the Director of Public Utilities to modify the professional engineering services agreement with EMH&T for the Blueprint Clintonville Weisheimer / Indian Springs Project, Mod #2, at the earliest practical date, and; **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 to modify the professional engineering services agreement with Evans Mechwart Hambleton & Tilton (EMH&T), Inc., 5500 New Albany Road, Columbus. Ohio 43054, for the Blueprint Clintonville Weisheimer/Indian Springs Project, Mod #2 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. 654, 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, 2015, the sum of \$533,182.99 is hereby appropriated to the Division of Sewerage and Drainage: Division 60-05 | OCA Code 655225 | Object Level One 10 | Object Level Three 5502.

**SECTION 3.** That the City Auditor is hereby authorized to transfer and appropriate a total \$533,182.99 from the Sanitary Sewer Reserve Fund to the Sanitary Sewer Bond Fund, Fund 664, into the Blueprint Clintonville Weisheimer / Indian Springs Project, Mod #2, CIP 650870-100002, at such time as deemed necessary by the Auditor, or so much thereof as may be necessary in the following manner: Division 60-05 | 687002 | Object Level 06 | Object Level Three 6630

**SECTION 4.** That the Director of Public Utilities be and hereby is authorized to expend up to \$533,182.99 from the Sanitary Sewer General Obligation Bond Fund, Fund 664 | Div. 60-05 | Obj. Level 3 6630 in the following manner:

**Fund # | Project No. | Project Name | OCA Code | Amount (\$)**

664 | 650870-100002 | Blueprint Clintonville Weisheimer / Indian Springs | 687002 | +\$533,182.99

**SECTION 5.** That the 2015 Capital Improvements Budget is hereby amended as follows:

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

664 | 650260-103000 | SWWTP Small Capital Projects | \$300,000 | 16,818 | (-\$283,183)

664 | 650870-100002 | Blueprint Clintonville Weisheimer / Indian Springs | \$250,000 | \$533,183 | (+\$283,183)

**SECTION 6.** That the said firm, Evans Mechwart Hambleton & Tilton (EMH&T), Inc., shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

**SECTION 7.** That the City Auditor is hereby authorized and directed 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 no longer required for said project; except that no transfer shall be made from a project account by monies from more than one source.

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

**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 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 in Section 2 and Section 3, and said funds are hereby deemed appropriated for such purposes.

**SECTION 11.** 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 \$533,182.99 (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 fund from which the advance for costs of the Project will be made.

**SECTION 12.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.