



Legislation Text

File #: 1766-2008, **Version:** 1

BACKGROUND: The following ordinance authorizes the Director of Public Utilities to modify a prior established contract, EL004602 executed August 19, 2004 and signed by the City Attorney on August 23, 2004, for professional services, with Barr & Prevost Engineering, and to expend the monies for payment of these services in relation to the Charleston Avenue Stormwater System Improvements Project.

This modification is for the re-design and revision of the existing construction plans and specifications that were prepared by the consultant to incorporate more stringent requirements of horizontal separation from 3 feet to 10 feet between storm sewers and waterlines set by the Ohio EPA.

FISCAL IMPACT: This ordinance authorizes the transfer and appropriation of funds from the Storm Sewer Reserve Fund and a transfer within the Storm Sewer Bond Fund for this expenditure. Sufficient authority for this expenditure is already in place under the 2008 Capital Improvements Budget. Monies for this contract will be provided from an upcoming Bond Sale via the transfer detailed in this ordinance.

EMERGENCY JUSTIFICATION: Emergency status is not requested for this ordinance.

CONTRACT COMPLIANCE INFORMATION: 31-1347309 (Exp: 06/30/2009 (Status: MAJ-ASIAN))

To authorize the Director of Public Utilities to modify the professional services contract with Barr & Prevost Engineering; to authorize the transfer and appropriation of \$20,000.00 from the Storm Sewer Reserve Fund; and to expend \$20,000.00 from the Storm Sewer Bond Fund for costs in connection with the Charleston Avenue Stormwater System Improvements Project, for the Division of Sewerage and Drainage. (\$20,000.00)

WHEREAS, Auditor Contract No. AC022811, Ordinance No. 0842-2004 passed June 14, 2004 for purposes of authorizing the Director of Public Utilities to enter into a contract, EL004602 executed August 19, 2004 and signed by the City Attorney on August 23, 2004, for professional engineering services for the Charleston Avenue Stormwater System Improvements Project; and

WHEREAS, the Division of Sewerage and Drainage engineering personnel have determined that it is necessary to modify the subject contract to continue with the Charleston Avenue Stormwater System Improvements project; and

WHEREAS, it is necessary to authorize the transfer and appropriation of funds from the Storm Sewer Reserve Fund to the Voted Storm Sewer Bond Fund for purposes of providing sufficient funding for this project expenditure; 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").

WHEREAS, the Division of Sewerage and Drainage, Department of Public Utilities is requesting that this Council authorize the Director of Public Utilities to modify the professional engineering services agreement with Barr & Prevost Engineering, for the Charleston Avenue Stormwater System Improvements project, at the earliest practical date; Now, Therefore,

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

SECTION 1. That from the unappropriated monies in the Storm Sewer Reserve Fund No. 690, 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, 2008, the sum of \$20,000.00 is hereby appropriated to the Division of Sewerage and Drainage, Division 60-15, OCA 690001, Obj.Lvl. One 10, Obj.Lvl. Three 5502.

SECTION 2. That the City Auditor is hereby authorized to transfer a total of \$20,000.00, from the Storm Sewer Reserve Fund to the Voted Storm Sewer Bond Fund 685, into the Charleston Avenue Stormwater System Improvements Project, 610742, at such time as deemed necessary by the Auditor, and to expend said funds, or so much thereof as may be necessary.

SECTION 3. That the \$20,000.00 is hereby appropriated for the Charleston Avenue Stormwater System Improvements Project, within the Voted Storm Sewer Bond Fund; Fund 685 | Dept./Div. 60-15 | Proj# 610742 | Charleston Avenue Stormwater System Improvements Project | Obj.Lvl. Three 6682 | OCA 685742.

SECTION 4. That upon obtaining other funds for the purpose of funding storm sewer system capital improvement work, the City Auditor is hereby authorized to repay the Storm Sewer System Reserve Fund the amount transferred above, and said funds are hereby deemed appropriated for such purposes.

SECTION 5. 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 \$20,000.00 (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 6. That the expenditure of \$20,000.00, or so much thereof as may be necessary from the Storm Sewer Bonds Fund, be and hereby is authorized as follows: Fund 685 | Dept./Div. 60-15 | Proj# 610742 | Charleston Avenue Stormwater System Improvements Project | Obj.Lvl. Three 6682 | OCA 685742.

SECTION 7. That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the 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; except that no transfer shall be so made from a project account funded 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 this ordinance shall take effect and be in force from and after the earliest period allowed by law.