



Legislation Text

File #: 1149-2009, Version: 2

1. BACKGROUND:

This legislation authorizes the Director of Public Utilities to modify an existing professional engineering services contract with Brown & Caldwell Ohio, LLC for the Large Diameter Sewer Condition Assessment - Olentangy Main Trunk Sewer Project, to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund in the amount of \$668,180.89, to the Voted Sanitary Sewer Bond Fund, and to amend the 2009 Capital Improvements Budget. This portion of the contract consists of professional services for the completion of the design plans and specifications, bidding documents, engineering services during construction, and all other services required for the completion of the project. The potential need for the additional work was foreseen and so stated in the original contract's legislation, and is therefore a planned continuation of the services originally included within the existing contract's scope of service. The Division has determined that these services cannot be performed by City personnel at this time, and has planned for the procurement of these services on a routine basis.

The original legislation, Ordinance 1716-2007, was part of the Capacity, Management, Operation & Maintenance Program (CMOM) requirements of the Ohio EPA consent order. The purpose of the project is to perform a sewer condition assessment of the Olentangy Main Trunk Sewer to determine the debris accumulation and structural integrity of the pipe.

This modification (Mod #1) will increase the funding of the contract by an additional \$668,180.89.

The original contract was with Brown & Caldwell Ohio, LLC. for professional services for the Large Diameter Sewer Condition Assessment - Olentangy Main Trunk Sewer Project.

1.1. Amount of additional funds to be expended: \$668,180.89

Original Contract Amount:	\$484,110.88
Proposed Modification #1:	\$668,180.89
<u>Proposed Future Modifications:</u>	<u>\$00.00</u>
Total (Original + Mod #1):	\$1,152,291.77

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

This was a planned modification as described in the original contract legislation.

1.3. Reasons why the contract modification could not be bid out.

The original contract selected Brown & Caldwell, Ohio LLC to provide professional engineering services for this project which included modifications. It is not deemed either feasible or reasonable to suspend work with this entity currently under contract and undertake continuation of these services with procurement.

1.4. How cost of modification was determined.

Estimates were provided by the consultant for the number of hours needed to complete the remaining portion of work. Costs were generated using the hourly rates included in the original contract.

2. FISCAL IMPACT:

This ordinance authorizes the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund for this modification; to authorize appropriation and expenditure of \$668,180.89 from the Voted Sanitary Sewer Bond Fund. Monies for this contract from the Sanitary Sewer Reserve Fund will be provided from an upcoming Bond Sale via the transfer detailed in this Ordinance.

3. CONTRACT COMPLIANCE INFO: 68-0442806 | MAJ | Expiration Date: 06/17/2010

4. EMERGENCY DESIGNATION: No emergency designation is requested for this legislation

To authorize the Director of Public Utilities to modify an existing professional engineering contract for the Large Diameter Sewer Condition Assessment - Olentangy Main Trunk Sewer Project with the Brown & Caldwell Ohio, LLC.; to authorize the appropriation and transfer of \$668,180.89 from the Sanitary Sewer Reserve Bond Fund to the Voted Sanitary Sewer Bond Fund; to authorize the appropriation and expenditure of \$668,180.89 from within the Voted Sanitary Sewer Bond Fund; and to amend the 2009 Capital Improvement Budget for the Division of Sewerage and Drainage **and to declare an emergency.** (\$668,180.89)

WHEREAS, it is necessary to modify the contract for professional engineering services with Brown & Caldwell Ohio, LLC, for the sanitary project: Large Diameter Sewer Condition Assessment - Olentangy Main Trunk Sewer Project; to provide additional monies to cover the cost of needed additions to the contract work in accordance with the Department's design requirements in an effort to ensure the continued operation of its sanitary system infrastructures; and

WHEREAS, City Auditor Contract No. EL007683 for \$484,110.88 was executed on January 29, 2008, as authorized by Ordinance 1716-2007, as passed by City Council on November 26, 2007, and approved by the City Attorney on February 8, 2008, for purposes of providing professional design services for the Large Diameter Sewer Condition Assessment - Olentangy Main Trunk Sewer; and

WHEREAS, it is necessary to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund for purposes of providing sufficient funding for the sanitary expenditure; and

WHEREAS, it is necessary to authorize an amendment to the 2009 Capital Improvement Budget for purposes of providing sufficient funding and expenditure authority for the aforementioned project expenditures; and

WHEREAS, it is necessary for City Council to authorize the appropriation and expenditure of funds from the Voted Sanitary Sewer Bond Fund; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Reserve Fund the amount transferred; and

WHEREAS, the aggregate principal amount which the City will issue to finance this phase of the project is presently expected not to exceed \$668,180.89

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, the Division of Sewerage and Drainage, Department of Public Utilities is requesting that Council authorize the Director of Public Utilities to modify an existing professional engineering contract to the Sewer System Engineering Section's for professional design services with the Brown & Caldwell Ohio, LLC., for the Large Diameter Sewer Condition Assessment - Olentangy Main Trunk Sewer Project; and

WHEREAS, it is 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 an existing professional engineering contract with the Brown & Caldwell Ohio, LLC., for the Large Diameter Sewer Condition Assessment - Olentangy Main Trunk Sewer Project, pursuant to ensuring the continuation of contract work which is necessary to fulfill the City of Columbus's commitments relating to the aforementioned project, for the preservation of the public health, peace, property, safety and welfare; **and Now, Therefore,**

WHEREAS, an emergency exists in the usual daily operation of the Department of Utilities in that it is immediately necessary to pass this ordinance as an emergency measure because construction bids for this project open October 7th and it is critical that these engineering services be in place during bid evaluation for the preservation of 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 Director of Public Utilities be, and hereby is, authorized to modify the professional engineering services agreement with the Brown & Caldwell Ohio, LLC., 4700 Lakehurst Court, Suite 100 Columbus, Ohio 43016 that will continue to provide professional engineering services for the Large Diameter Sewer Condition Assessment - Olentangy Main Trunk Sewer

Project in accordance with the terms and conditions of the Contract on file in the office of the Division of Sewerage and Drainage's Sewer System Engineering Section.

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, 2009, the sum of \$668,180.89 is hereby appropriated to the Division of Sewerage and Drainage: Division 60-05| OCA Code 901654 | Object Level One 10 | Object Level Three 5502.

Section 3. That the City Auditor is hereby authorized to transfer \$668,180.89 from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund, Fund 664, into Large Diameter Sewer Condition Assessment - Olentangy Main Trunk Sewer Project, Project 650725-100001, at such time as deemed necessary by the Auditor, and to expend said funds, or so much thereof as may be necessary.

Section 4. That the \$668,180.89 is hereby appropriated and expended for the Large Diameter Sewer Condition Assessment - Olentangy Main Trunk Sewer Project, within the Voted Sanitary Sewer Bond Fund | Fund 664 | Division 60-05 | Project 650725 | OCA Code 664725 | Object Level Three 6676.

Section 5. That the 2009 Capital Improvements Budget Ordinance No. 0806-2009 is hereby amended as follows, to provide sufficient budget authority for the execution of the cost agreement increase stated herein:

Proj. No. | Proj. Name | Current Authority | Revised Authority | (Change)

650725.100001| Large Diameter Sewer Condition Assessment - Olentangy Main Trunk Sewer Project | \$500,000 | \$668,181 | (+\$168,181)

Section 6. That the expenditure of \$668,180.89, or as much thereof as may be needed, is hereby authorized from the Voted Sanitary Sewer Bond Fund | Fund No. 664 | Division 60-05| Large Diameter Sewer Condition Assessment - Olentangy Main Trunk Sewer Project | Project 650725 | OCA Code 664725 | Object Level Three 6676.

Section 7. 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, 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 \$668,180.89 (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 Sanitary/Sewer Reserve Fund 654, which is the fund from which the advance for costs of the Project will be made.

Section 9. 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 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 this Ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **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.**

