



## Legislation Text

File #: 0489-2011, Version: 1

**1. Background:** This legislation authorizes the Director of Public Utilities to modify the professional services agreement with H. R. Gray for the Wastewater Treatment Facilities Professional Construction Management project, for the Division of Sewerage and Drainage. The H. R. Gray modification amount requested under this ordinance is \$982,873.00. The contract total including this modification is \$2,793,509.00.

The proposed contract modification provides funding for construction administration and management services including, construction inspection, construction and startup coordination, reporting, budgeting, scheduling, document tracking, and related tasks associated for six construction contracts that will begin in 2011. 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 professional services are funded by incremental appropriation, through the use of approximately annual modifications. Adjustments to fees and scope to this contract will be made by Contract Modification based on annual (or semiannual) proposals as requested by the City.

**1.1. Amount of additional funds to be expended: \$982,873.00**

Original Contract	\$1,810,636.00
Proposed Modification No. 1	\$ 982,873.00
Future Modifications (Amount to be Determined)	\$ 0.00
<b>CURRENT PROPOSED TOTAL</b>	<b>\$2,793,509.00</b>

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

Contract Modification No. 1 was planned and anticipated, and so stated in the original contract's legislation. 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:**

The funding provided by this contract modification is for continuation of the existing work of the contract. In so much as work was planned for and anticipated within the original procurement, it is not reasonable or cost effective to undertake a new procurement to acquire these services.

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

A cost proposal was provided by H. R. Gray and reviewed by the Division of Sewerage and Drainage and was deemed acceptable. The cost of this contract modification is consistent with the direct labor, overhead, and profit rates established within the original proposal.

**3. Contract Compliance No.: 31-1050479 | MAJ | Expires 12/1/2011**

This company is not debarred according to the Federal excluded parties listing or prohibited from being awarded a contract to the Auditor of State unresolved findings for recovery certified search.

**4. Emergency Designation: Emergency designation is not requested.**

**5. FISCAL IMPACT:**

This ordinance authorizes the Director of Public Utilities to transfer within and expend \$982,873.00 in funds from the Sanitary Sewer Super Build America Bond (Super B.A.B.s), Fund 669; and to amend to the 2011 Capital Improvements Budgets to establish sufficient budget authority to cover the expenditure upon passage of the ordinance.

To authorize the Director of Public Utilities to execute a planned contract modification for Professional Construction Management services with H. R. Gray for the Wastewater Treatment Facilities; to transfer within and expend \$982,873.00 from the Sanitary Sewer

Super Build America Bond, and amend the 2011 Capital Improvements Budget for the Division of Sewerage and Drainage. (\$982,873.00)

**WHEREAS**, Contract No. EL009970 was authorized by Ordinance No. 1632-2009, as passed by Columbus City Council on December 7, 2009 for purposes of authorizing the Director of Public Utilities to enter into a contract for professional construction management services with H. R. Gray, for the Wastewater Treatment Facilities Professional Construction Management project; and

**WHEREAS**, it is necessary to modify the subject contract in order to provide funding for professional construction management services now needed during the construction of six construction contracts that will begin in 2011; and

**WHEREAS**, it is necessary to authorize the transfer within funds from the Sanitary Sewer Super Build America Bond (Super B.A.B.s) Fund in the amount of \$982,873.00 for purposes of providing sufficient funding for the aforementioned project expenditure; and

**WHEREAS**, it is necessary for City Council to authorize the expenditure of funds from the Sanitary Sewer Super Build America Bond (Super B.A.B.s) Fund; and

**WHEREAS**, it is necessary to authorize an amendment to the 2011 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditures; and

**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 aforementioned professional construction management services agreement with H. R. Gray for the Wastewater Treatment Facilities Professional Construction Management project, at the earliest practical date for the preservation of the public health, welfare, peace, property, safety, 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 Contract No. EL009970 with H. R. Gray, 3770 Ridge Mill Drive, Columbus, OH 43026, for professional construction management services for the Wastewater Treatment Facilities Professional Construction Management project, in accordance with the terms and conditions as shown in the contract modification on file in the office of the Division of Sewerage and Drainage.

**Section 2.** That the City Auditor is hereby authorized to transfer of \$442,873.00 within the Department of Public Utilities, Division of Sewerage and Drainage, Dept/Div. No. 60-05, Sanitary Sewer Super Build America Bond (Super B.A.B.s) Fund, Fund No. 669, Object Level Three 6630, as follows:

**From:**

**Project No. | Project Name | OCA Code | Change**

650351-100001 | WWTP Facilities Construction and Contingencies | 669351 | -\$238,081.00

650350-100002 | SWWTP Corrosion Prevention & Protection Systems | 693502 | -\$204,792.00

**To:**

**Project No. | Project Name | OCA Code | Change**

650361-100002 | WWTP Facilities Professional Construction Management | 693612 | +\$442,873.00

**Section 3.** That the Director of Public Utilities be and hereby is authorized to expend a total of \$982,873.00 from the Sanitary Sewer Super Build America Bond (Super B.A.B.s) Fund into the Wastewater Treatment Facilities Professional Construction Management | Fund 669 | Div. 60-05 | Proj. 650361-100002 | 693612 | Object Level Three 6630.

**Section 4.** That the 2011 Capital Improvements Budget Ordinance 0266-2011 is hereby amended as follows, to provide sufficient budget for the award of the agreement stated herein:

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

650351-100001 | WWTP Facilities Construction and Contingencies | \$238,081 | \$0 | (-\$238,081)

650350-100002 | SWWTP Corrosion Prevention & Protection Systems | \$222,837 | \$18,045 | (-\$204,792)

650361-100002 | WWTP Facilities Pro Construction Mgmt | \$540,000 | \$982,873 | (+\$442,873)

**Section 5.** 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 6.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**Section 7.** 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 8.** That the said firm shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

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