



Legislation Text

File #: 1322-2009, Version: 1

**1. Background:** This legislation authorizes the Director of Public Utilities to modify the professional engineering services agreement with Stantec Consulting Services, Inc. (formerly R.D. Zande and Associates, Inc.), for the Southerly Wastewater Treatment Plant Support Facilities project, Project 650344. The Stantec Consulting Services, Inc. modification amount requested under this ordinance is \$859,263.00; and this legislation also authorizes the appropriation, transfer and expenditure of \$859,263.00 from the Sewer System Reserve Fund 654 to the Water Pollution Control Loan Fund (WPCLF) 666, and to amend the 2009 Capital Improvements Budget. The contract total including this modification is \$4,136,044.00.

The proposed contract modification provides funding for technical services now needed during construction. The potential need for this 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. It is not deemed either feasible or reasonable to suspend work with the entity currently under contract and undertake continuation of these services with another procurement project. The cost of the modification is a continuation of the vendor's current pricing structure, as verified by City staff. 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 contract with Stantec Consulting Services, Inc was to provide professional engineering services for the support facilities needed at the Southerly Wastewater Treatment Plant, and also provide support services for inspection and construction management personnel at both the Southerly and Jackson Pike Wastewater Treatment Plants.

**1.1. Amount of additional funds to be expended: \$859,263.00**

Original Contract	\$ 511,644.00
Modification No. 1	\$2,765,117.00
Proposed Modification No. 2	\$ 859,263.00
<u>Future Modification No. 3 (estimated 2012 funding)</u>	<u>\$ 786,000.00</u>
CURRENT PROPOSED TOTAL	\$4,922,044.00

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

This Contract Modification No. 2 was planned 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. This 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:**

The cost of this contract modification is consistent with the direct labor, overhead, and profit rates established within the original proposal. The estimate of the quantity of labor required to complete the remaining scope of services is within the anticipated level of funding originally forecast.

**2. MULTI-YEAR CONTRACT:**

This ordinance will authorize the expenditure of \$ 859,263.00. The Department anticipates requesting additional appropriations to this contract for the 2012 fiscal year, through planned contract modifications duly authorized by City Council. Under the terms of this contract, the City has the right to contract for additional services to fulfill emergency capital improvements related needs subject to the approval of a contract modification by City Council. The rates schedules established within this contract will remain in force throughout the life of the contract.

**3. Contract Compliance No.: 11-2167170| (MAJ) | Expiration Date: 01/07/2010**

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

5. **FISCAL IMPACT:**

This ordinance authorizes the appropriation, transfer and expenditure of \$859,263.00 from the Sewer System Reserve Fund 654 to the Water Pollution Control Loan Fund 666 to fund this project expenditure, and to amend the 2009 Capital Improvements Budget. This transaction is a temporary measure that is required until such time as the Department is able to execute a WPCLF loan agreement with the Ohio EPA and the Ohio Water Development Authority (OWDA), and reimburse the Sewer System Reserve Fund. The loan award is tentatively scheduled for the November 19, 2009 OWDA board meeting.

To authorize the Director of Public Utilities to execute a planned contract modification to the professional engineering services agreement with Stantec Consulting Services, Inc. for the Southerly Wastewater Treatment Plant Support Facilities project; to authorize the appropriation, transfer, and expenditure of \$859,263.00 from the Sewer System Reserve Fund to the Ohio Water Pollution Control Loan Fund for the Division of Sewerage and Drainage, and to amend the 2009 Capital Improvements Budget. (\$859,263.00)

**WHEREAS**, Contract No. EL006145 was authorized by Ordinance No. 1630-2005, as passed by Columbus City Council on February 27, 2006 for purposes of authorizing the Director of Public Utilities to enter into a contract for professional engineering services with R. D. Zande & Associates, Inc., now acquired by Stantec Consulting Services, Inc. and so referred to hereafter, for the Southerly Wastewater Treatment Plant Support Facilities project; and

**WHEREAS**, it is necessary to modify the subject contract in order to provide funding for construction-phase engineering, start-up and commissioning assistance services now needed during construction of Contract S77 of the project construction; and

**WHEREAS**, the Ohio Water Development Authority (OWDA) is tentatively scheduled to approve a loan to the City of Columbus on November 19, 2009, to provide financing for the above listed project with eligible costs including the construction contract and contingency; the professional engineering services contract modification that includes services during construction services; and capitalized interest; and

**WHEREAS**, sufficient monies will be available within the Sewer System Reserve Fund and transferred to the Water Pollution Control Loan Fund for the aforementioned project expenditure; and

**WHEREAS**, it is necessary to authorize an amendment the 2009 Amend Capital Improvement Budget for purposes of creating and providing sufficient budget authority for the aforementioned expenditure; and

**WHEREAS**, it is immediately necessary to both appropriate funds from the Sewer System Reserve Fund and authorize the transfer of said funds into the Water Pollution Loan Fund, in order to temporarily fund this expenditure, until such time as the City is able to execute a WPCLF loan agreement for the above stated purpose and reimburse the Sewer System Reserve Fund; 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 engineering services contract with Stantec Consulting Services, Inc., for purposes of funding the engineering services now needed for the Southerly Wastewater Treatment Plant Support Facilities project, at the earliest practicable date; **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. EL006145 with Stantec Consulting Services, Inc., 1500 Lake Shore Drive, Columbus, Ohio 43204, for professional engineering services for the Southerly Wastewater Treatment Plant Support Facilities 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 from the unappropriated monies in the Sewer System Reserve Fund 654, and from all monies estimated to come into

said fund from any and all sources, and unappropriated from any other purpose for the Southerly Wastewater Treatment Plant Support Facilities Project, the sum of \$859,263.00 is hereby appropriated to the Division of Sewerage and Drainage; Division 60-05 | ObjLv11 10 | ObjLv13 5502 | OCA Code 665225

**Section 3.** That the City Auditor is hereby authorized to transfer \$859,263.00 to the Water Pollution Control Loan Fund No. 666, into the appropriate project accounts as specified in the below section, at such time as deemed necessary by him, and to expend said funds, or so much thereof as may be necessary.

**Section 4.** That the expenditure of \$859,263.00 or as much thereof as may be needed, be and the same is hereby appropriated and authorized for under the Water Pollution Control Loan Fund No. 666 | Division 60-05 | ObjLv13 6621 | as follows:

**Proj. No. | Project. Name | OCA Code | Amount**

650344-100001 | SWWTP Support Facilities Project | 666344 | \$859,263.00

**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 contract stated herein:

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

650368-100000 | SWWTP Corrosion Prevention & Protective Coating | \$1,000,000 | \$ 140,737 | (-\$859,263)

650344-100001 | SWWTP Support Facilities Project | \$10,744,413 | \$11,603,676 | (+\$859,263)

**Section 6.** That upon obtaining other funds for the purpose of funding the sanitary sewer system capital improvement work, the City Auditor is hereby authorized to repay the Sewer System Reserve Fund the amount transferred under the above section, and said funds are hereby deemed appropriated for such purpose.

**Section 7.** 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 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.