



Legislation Text

File #: 0828-2016, Version: 1

**1. Background:** This legislation authorizes the Director of Public Utilities to execute a contract modification, Mod #4, with H.R. Gray-A Haskell Company for the Wastewater Treatment Facilities (WWTF) Professional Construction Management (PCM) project for the Division of Sewerage and Drainage. The contract provides construction administration and management services including, construction inspection, construction and startup coordination, reporting, budgeting, scheduling, document tracking, and related tasks for multiple projects, including:

- 650261-101017 SWWTP Biosolids Land Application Improvements
- 650261-101020 SWWTP Chemically Enhanced Primary Treatment - Site Preparation
- 650261-101021 Roof Replacement for DPU Facilities
- 650261-101022 JPWWTP, Corrosion Prevention and Protective Coating Systems, Phase-3

**Project Modification Data:**

**1.1 Amount of additional funds to be expended: \$1,124,173.00**

Original Contract	\$ 0
Modification No. 1	\$1,868,465.00
Modification No. 2	\$ 567,387.00
Modification No. 3	\$3,375,358.00
Modification No. 4 (current)	<u>\$1,124,173.00</u>
<b>Current Projected Total</b>	<b>\$6,935,383.00</b>

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

Contract Modification No. 4 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. 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-A Haskell Co. 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.

**2. Project Timeline:** This is a five year contract which started in 2012 and will end with the close-out of the final project modification currently scheduled for 2016. This contract modification is for 2016 services; however, the duration of the contract may extend into subsequent years based on the complexity and progress of the assigned work. The professional services are funded by incremental appropriation, through the use of approximate 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.

**3. Contract Compliance No.:** 31-1050479 | MAJ | Exp. 08/21/2017

4. **Emergency Designation:** Emergency designation **is not requested** at this time.

5. **Economic or Environmental Impact:** The performance of professional contract management services for the subject construction contracts will help to prevent or reduce the number of construction claims, and minimize charge amount of any unavoidable claims. No community outreach or environmental factors are considered for this project.

6. **Fiscal Impact:** This ordinance authorizes (1) the appropriation and transfer of \$608,993.58 in funds from the Sanitary Sewer Reserve Fund 6102 to the Sanitary Sewer General Obligation (G.O.) Bond Fund 6109; (2) the appropriation within each of the respective funds: \$8,866.62 within the Sanitary Sewer Build America Bond (BABs) Fund 6113; \$5,239.51 within the Sanitary Sewer Super BABs Fund 6114; \$62,204.00 within the Sanitary Sewer Perm. Improvement Fund 6115; (3) the transfer of \$515,179.42 within those same funds; (4) a total expenditure of \$1,124,173.00 from all funds; and (5) sufficient budget authority for this ordinance by amending the 2015 Capital Improvements Budget. 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 an existing contract with H.R. Gray for the Wastewater Treatment Facilities Professional Construction Management Contract (PCM), Mod #4; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation (G.O.) Bond Fund; to authorize the appropriation of funds from the Sanitary Sewer Build America Bond (BABs) Fund; the Sanitary Sewer Super BABs Fund; and the Sanitary Sewer Permanent Improvement Fund 6115; to authorize an expenditure of \$1,124,173.00; and to amend the 2015 Capital Improvements Budget. (\$1,124,173.00)

**WHEREAS**, the original contract, EL012903 was authorized by Ordinance 0373-2013, passed April 02, 2012; executed by the Director of Public Utilities on June 15, 2012, approved the City Attorney on June 18, 2012, and certified by the City Auditor's office June 25, 2012; and

**WHEREAS**, it was necessary to authorize the City Auditor to cancel EL012903 and transfer the funds and authority to the new PCM CIP project series, 650261-101000; and

**WHEREAS**, contract EL014842 was authorized by Ordinance 1677-2013 which passed July 22, 2013; executed by the Director of Public Utilities on September 23, 2013, approved the City attorney on October 01, 2013; and,

**WHEREAS**, contract EL015768 was authorized by Ordinance 0501-2014 which passed April 21, 2014; executed by the Director of Public Utilities on May 21, 2014, approved the City attorney on May 28, 2014; and certified by the City Auditor's Office May 28, 2014; and,

**WHEREAS**, contract EL017232 was authorized by Ordinance 0948-2015 which passed May 11, 2015; executed by the Director of Public Utilities on July 07, 2015, approved the City attorney on July 08, 2015; and certified by the City Auditor's Office July 22, 2015; and,

**WHEREAS**, it is necessary to authorize the Director of Public Utilities to modify (Mod #4) the agreement with H.R. Gray-A Haskell Company for the Wastewater Treatment Facilities (WWTF) Professional Construction Management (PCM) Contract; and

**WHEREAS**, this is a multi-year agreement with subsequent annual contract modifications; and

**WHEREAS**, it is necessary to appropriate and transfer funds from the Sanitary Sewer Reserve Fund 6102 in the amount \$608,993.58 for this project; and

**WHEREAS**, it is necessary to appropriate funds from Fund 6113, the Sanitary Sewer Build America Bond (BABs) Fund, \$8,866.62; from Fund 6114, the Sanitary Sewer Super BABs Fund \$5,239.51; and Fund 6115, the Sanitary Sewer Permanent Improvement Fund, \$62,204.00; and

**WHEREAS**, it is necessary to authorize the transfer within and the expenditure from Fund 6109, the Sanitary Sewer General Obligation Fund, \$434,218.92; to authorize the transfer within and the expenditure from Fund 6113, \$13,516.99, to authorize the transfer within and the expenditure from the Sanitary Sewer Build America Bond (BABs) Fund 6114, \$5,239.51, and to authorize the transfer within and the expenditure from the Sanitary Sewer Permanent Improvement Fund 6115, \$62,204.00; and

**WHEREAS**, it is necessary to amend the 2015 Capital Improvements Budget for purposes of providing sufficient budget authority for the aforementioned expenditures; and

**WHEREAS**, this transfer of Sanitary Reserve Funds 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 Department of Public Utilities, Division of Sewerage and Drainage, to authorize the Director to enter into contract modification, Mod #4, with H.R. Gray for the Wastewater Treatment Facilities Professional Construction Management project for 2012-2016, at the earliest practical date 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 and add funding to the existing contract (EL014842), the Professional Construction Management Services agreement with H.R. Gray-A Haskell Co., 3770 Ridge Mill Drive, Columbus, OH 43026, in connection with Wastewater Treatment Facilities Professional Construction Management project, 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 the City Auditor is hereby authorized to appropriate the following amounts in each of the respective funds: \$8,866.62 within the Sanitary Sewer Build America Bond (BABs) Fund 6113; \$5,239.51 within the Sanitary Sewer Super BABs Fund 6114; \$62,204.00 within the Sanitary Sewer Perm. Improvement Fund 6115 as detailed in the funding template attached to this ordinance.

**SECTION 3.** That from the unappropriated monies in the Sanitary Sewer Reserve Fund No. 6102, Sub-fund 610201, 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, 2016, the sum of \$608,993.58 is hereby appropriated to the Division of Sewerage and Drainage.

**SECTION 4.** That the City Auditor is hereby authorized to transfer a total \$608,993.58 from the Sanitary Sewer Reserve Fund 6102 to the Sanitary Sewer Bond Fund 6109, into Wastewater Treatment Facilities Professional Construction Management Project (WWTF PCM), 650261-101000, at such time as deemed necessary by the Auditor, or so much thereof as may be necessary per the account codes in the attachment to this ordinance.

**SECTION 5.** That the City Auditor is hereby authorized and directed to transfer up to \$1,124,173.00 (\$515,179.42 + \$608,993.58) from the funds and Capital Improvements Projects per the account codes in the attachment to this ordinance.

**SECTION 6.** That the 2015 Capital Improvements Budget is hereby amended as follows:

Fund	Proj. Number	Name	Current Authority	Revised	Change
6113	668999-100000	unallocated	14,809	8,867	(5,942) Voted Sanitary
		Carryover			
6113	668999-100000	unallocated	8,867	-	(8,867) Voted Sanitary
		Carryover			
6113	650714-100000	Richards/Granden/Torrence	-	1,986	1,986 Voted Sanitary
		Carryover			
6113	650714-100000	Richards/Granden/Torrence	1,986	-	(1,986) Voted Sanitary
		Carryover			
6113	650742-100004	Greenlawn Ave	-	2,665	2,665 Voted Sanitary
		Carryover			
6113	650742-100004	Greenlawn Ave	2,665	-	(2,665) Voted Sanitary
		Carryover			
6114	669999-100000	unallocated	6,204	5,240	(964) Voted Sanitary
		Carryover			
6114	669999-100000	unallocated	5,240	-	(5,240) Voted Sanitary
		Carryover			
6115	671999-100000	unallocated	(1)	62,204	62,205 Sanitary Perm
		Imp Carryover			
6115	671999-100000	unallocated	62,204	-	(62,204) Sanitary Perm
		Imp Carryover			
6109	650706-100000	Lower Olentangy Ecosystem	384,755	-	(384,755) Voted
		Sanitary Carryover			
6109	650234-100000	Roof Replacement	1	20	19 Voted Sanitary
		Carryover			
6109	650234-100000	Roof Replacement	20	-	(20) Voted Sanitary
		Carryover			
6109	650350-100000	WWTF Renovations	200,000	200,134	134 Voted Sanitary
		Carryover			
6109	650350-100000	WWTF Renovations	200,134	200,059	(75) Voted Sanitary
		Carryover			
6109	650742-100004	Greenlawn Ave	-	49,370	49,370 Voted Sanitary
		Carryover			
6109	650742-100004	Greenlawn Ave	49,370	-	(49,370) Voted Sanitary
		Carryover			
6113	650261-101000	WWTF Prof. Const. Mgmt	-	13,518	13,518 Voted Sanitary
		Carryover			
6114	650261-101000	WWTF Prof. Const. Mgmt	-	5,240	5,240 Voted Sanitary
		Carryover			
6115	650261-101000	WWTF Prof. Const. Mgmt	-	62,204	62,204 Sanitary Perm
		Imp. Carryover			
6109	650261-101000	WWTF Prof. Const. Mgmt	3,375,358	3,809,578	434,220 Voted Sanitary
		Carryover			

**SECTION 7.** That the Director of Public Utilities is authorized to expend up to \$1,124,173.00 or as much thereof as may be needed, from the following per the account codes in the attachment to this ordinance.

**SECTION 8.** That the said firm, H.R. Gray-A Haskell Company, 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 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 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 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 (Section 3), and said funds are hereby deemed appropriated for such purposes.

**SECTION 13.** 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 \$608,993.58 (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 6102, which is the fund from which the advance for costs of the Project will be made.

**SECTION 14.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.