



Legislation Text

File #: 1413-2012, **Version:** 1

1. Background: This legislation authorizes the Director of Public Utilities to modify the professional engineering services agreement with ARCADIS US, Inc. (formerly Malcolm Pirnie, Inc.) for the Wastewater Treatment Facilities Upgrade - General Program, Project Number 650360-100001. The ARCADIS US, Inc. modification amount requested under this ordinance is \$3,216,000.00. The contract total including this modification is \$10,056,000.00.

The basic services to be provided under this Agreement are professional engineering services necessary for, and incident to: Overall Engineering Consultant (OEC) Services for the Wastewater Treatment Facilities Upgrade - General Program. OEC services are necessary to provide technical and engineering assistance to the City and its design professionals in planning and coordination of the work. The OEC services are separated into the following tasks:

- Task 1 - Planning Services
- Task 2 - Design Services
- Task 3 - Construction Related Services
- Task 4 - Commissioning and Start-up Services
- Task 5 - General and Additional Services

This contract was initiated in 2010 to provide services for a six (6) year period, and is being funded incrementally. The approximate annual funding by contract modification was planned and was explained in the original contract's legislation. The proposed modification will provide funding for services estimated to be needed through April, 2013. 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 provider. 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.

1.1. Amount of additional funds to be expended: \$3,216,000.00

Original Contract	\$ 2,000,000.00
Proposed Modification No. 1 (2011 funding)	\$ 4,840,000.00
Proposed Modification No. 2 (2012 funding)	<u>\$ 3,216,000.00</u>
CURRENT TOTAL TO-DATE	\$10,056,000.00

Proposed Modification No. 3 (estimated 2013 funding)	\$ 2,194,000.00
Proposed Modification No. 4 (estimated 2014 funding)	\$ 2,194,000.00
Proposed Modification No. 5 (estimated 2015 funding)	<u>\$ 2,194,000.00</u>
PROPOSED FUTURE TOTAL	\$16,638,000.00

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

This Contract Modification No. 2 was planned and anticipated, and so stated in the original contract's legislation. This 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:

In so much as this work was planned for and anticipated within the original procurement, and due to the highly complex and technical nature of the engineering assistance provided to the City and its design professionals in planning and coordination of the work, it is not reasonable or cost efficient to undertake a new procurement effort to acquire these services. The lengthy process for initiating a new procurement, and for a new entity to gain understanding of the project, would likely cause an unacceptable project delay and additional cost.

1.4. How cost of modification was determined:

A cost proposal was provided by ARCADIS US, Inc. 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, and overhead, rates established within the original proposal. The profit rate is lower than the original proposal.

3. Contract Compliance No.: 57-0373224 | MAJ | Expires 08/25/2013

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

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

5. FISCAL IMPACT:

This ordinance authorizes the Director of Public Utilities to transfer within and expend \$3,216,000.00 in funds from the Sanitary Sewer General Obligation Bond Fund, Fund 664, for this expenditure and amend the 2012 Capital Improvements Budget to establish sufficient budget authority.

6. ECONOMICAL IMPACT:

This project provides many metrics on various environmental factors that are noted below in the work to be performed. The information provided assists and guides the City in decision making on these environmental issues. These decisions have a direct impact on the capital improvement program budget amounts and scheduling to address the environmental needs. No community outreach is considered for this project.

To authorize the Director of Public Utilities to execute a planned contract modification for professional engineering services agreement with ARCADIS US, Inc. (formerly Malcolm Pirnie, Inc.) for the Wastewater Treatment Facilities Upgrade - General Program; to transfer within and expend \$3,216,000.00 from the Sanitary Sewer General Obligation Bond Fund, and amend the 2012 Capital Improvements Budget for the Division of Sewerage and Drainage. (\$3,216,000.00)

WHEREAS, Contract No. EL010117 was authorized by Ordinance 0041-2010, as passed by Columbus City Council on February 1, 2010 for purposes of authorizing the Director of Public Utilities to enter into a contract for professional engineering ARCADIS US, Inc. (formerly Malcolm Pirnie, Inc.) for the Wastewater Treatment Facilities Upgrade - General Program; and

WHEREAS, Contract No. EL011835 was authorized by Ordinance 0593-2011, passed by Columbus City Council on June 6, 2011, executed by the Director June 27, 2011, and approved by the City Attorney July 06, 2012 for purposes of authorizing the Director of Public Utilities to enter into a contract for professional engineering ARCADIS US, Inc. for the Wastewater Treatment Facilities Upgrade - General Program; and

WHEREAS, it is necessary to modify the subject contract in order to provide funding for additional engineering services now required for this project; and

WHEREAS, it is necessary to authorize the transfer within of funds and expenditure of funds from the Sanitary Sewer General Obligation Bond Fund in the amount of \$3,216,000.00 for purposes of providing sufficient funding for the aforementioned project expenditure; and

WHEREAS, it is necessary to authorize an amendment to the 2012 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditures; and

WHEREAS, it is necessary for this Council to authorize the Director of Public Utilities to modify the aforementioned professional engineering services agreement with ARCADIS US, Inc. (formerly Malcolm Pirnie, Inc.) for the Wastewater Treatment Facilities Upgrade - General Program, pursuant to the proper management and timely completion of this project 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. EL010117 with ARCADIS US, Inc.,(formerly Malcolm Pirnie, Inc.) 1900 Polaris Parkway, Suite 200, Columbus, Ohio 43240-2020, for professional engineering services for the Wastewater Treatment Facilities Upgrade - General Program, 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 \$2,151,800.00 within the Department of Public Utilities, Division of Sewerage and Drainage | Div. 60-05 | Sanitary Sewer General Obligation Bond Fund | Fund No. 664, Object Level Three 6676, as follows:

From:

Project No. | Project Name | OCA Code | Change

650100-100001 | Sanitary Sewer Contingency CACI | 664101 | -\$2,151,800.00

To:

Project No. | Project Name | OCA Code | Change

650360-100001 | Wastewater Treatment Facilities Upgrade - General Program | 653601 | +\$2,151,800.00

SECTION 3. That the Director of Public Utilities be and hereby is authorized to expend up to \$3,216,000.00 from the Sanitary Sewer General Obligation Bond Fund, Fund 664 into the Wastewater Treatment Facilities Upgrade - General Program | Fund 664 | Div. 60-05 | Proj. 650360-100001 | 653601 | Obj Lvl Three 6676.

SECTION 4. That the 2012 Capital Improvements Budget Ordinance 0368-2012 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)

650100-100001 | Sanitary Sewer Contingency CACI | \$3,000,000 | \$848,200 | (-\$2,151,800)

650360-100001 | WWTF Upgrade General Prog. | \$1,064,200 | \$3,216,000 | (+\$2,151,800)

SECTION 5. 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 6. 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 7. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 8. 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 9. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.