



Legislation Text

File #: 0649-2008, Version: 1

1. **BACKGROUND:**

A. **Need.** This legislation authorizes the Director of Public Utilities to modify the professional engineering services agreement with Malcolm Pirnie, Inc. for the Clinton heights/Colerain Area Sanitary Improvements project. The Malcolm Pirnie, Inc. modification amount requested under this ordinance is \$10,037.93. The contract total including this modification is \$418,581.93. Due to significant construction delays by the contractor the engineer will exhaust all fees for their engineering services during construction. The construction completion date of October 10, 2007 was missed by the contractor and the current schedule for the project shows completion schedule for July 31, 2008. The contractor is being assessed liquidated damages per Item 108.08, Liquidated Damages which will be used to cover the additional costs incurred by the engineer.

The proposed contract modification will allow Malcolm Pirnie, to continue to respond to contractor's requests for information, respond to inquiries regarding the interpretation of the contract documents, review contractors claims for additional services and costs, review quality or materials/equipment substitutions and provide recommendations to the City. It will also allow them to continue to review project submittals, review CCTV tapes, review and evaluate recommended lining thickness parameters, attend progress meetings, and other services as directed by the City.

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. The resultant delay in entering into a new contract would further delay completion of the construction contract as submittal review and approval of CIPP lining thickness would have to wait until a new engineer is under contract to provide these reviews. The construction contract also has an SSO Consent Decree mandated completion date, and further delay in completion of the project puts the City at risk of being fined for missing the deadline. 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.

B. **Contract Compliance No.:** 132653703/001 (MAJ) (Expires 05/02/2008)

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

2. **FISCAL IMPACT:**

This ordinance authorizes the transfer and appropriation of funds from the Voted Sanitary Sewer Bond Fund to the Sanitary Sewer Revenue Bonds Fund for the purpose of providing the necessary funding required for this expenditure. There will also be an amendment to the 2008 Capital Improvements Budget to create authority to cover prior cancellations and to provide sufficient budget authority for the current project. This legislation will authorize the expenditure of \$10,037.93 within the Sanitary Sewer Revenue Bonds Fund.

To authorize the Director of Public Utilities to execute a professional engineering services contract modification agreement with Malcolm Pirnie, Inc., for the Clinton Heights/Colerain Area Sanitary Improvements Project; to authorize the transfer and appropriation of \$10,037.93 from the Voted Sanitary Sewer Bond Fund to the Sanitary Sewer Revenue Bonds Fund; to amend the 2008 Capital Improvements Budget; and to authorize the expenditure of \$10,037.93 within the Sanitary Sewer Revenue Bonds Fund for the Division of Sewerage and Drainage. (\$10,037.93).

WHEREAS, Contract No. EL003107 was authorized by Ordinance No. 1972-2002, as passed by Columbus City Council on December 16, 2002 for purposes of authorizing the Director of Public Utilities to enter into a contract for professional engineering services with Malcolm Pirnie, Inc. for the Clinton Heights/Colerain Area Sanitary Improvements project; and

WHEREAS, Modification No. 1 authorized by Ordinance No. 1938-2004, as passed by Columbus City Council on November 29, 2004, provided additional funding that was estimated to be necessary; and

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

WHEREAS, it is necessary to authorize the transfer and appropriation of funds from the Voted Sanitary Sewer Bond Fund to the Sanitary Sewer Revenue Bonds Fund to provide sufficient funding for the aforementioned project expenditure; and

WHEREAS, it is necessary to authorize the an amendment to the 2008 Capital Improvements Budget for the purpose of creating authority to cover prior cancellations and to provide sufficient budget authority for the aforementioned project expenditure; and

WHEREAS, it is necessary for City Council to approve the aforementioned necessary expenditure from the Sanitary Sewer Revenue Bonds 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 enter into an agreement for professional engineering services with Malcolm Pirnie, Inc. in connection with the Clinton Heights/Colerain Area Sanitary Improvements 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. EL003107 with Malcolm Pirnie, Inc., 1900 Polaris Parkway, Suite 200, Columbus, Ohio 43240-2020, for professional engineering services for the Clinton Heights/Colerain Area Sanitary Improvements 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 and directed to transfer \$10,037.93 for the Clinton Heights/Colerain Area Sanitary Improvements Project from within the Voted Sanitary Sewer Bond Fund (664) as follows:

FROM:

Fund 664 | Proj. 650651 | OCA 664651 | OL3 6600 | \$6,647.65

Fund 664 | Proj. 650656 | OCA 664656 | OL3 6600 | \$3,390.28

TO:

Fund 664 | Proj. 650651 | OCA 664651 | OL3 5501 | \$6,647.65

Fund 664 | Proj. 650656 | OCA 664656 | OL3 5501 | \$3,390.28

Section 3. That the City Auditor is hereby authorized and directed to transfer \$10,037.93 for the Clinton Heights/Colerain Area Sanitary Improvements Project from the Voted Sanitary Sewer Bond Fund (664) into the Sanitary Sewer Revenue Bonds Fund (665), Div. 60-05, as follows:

FROM:

Fund 664 | Proj. 650651 | OCA 664651 | OL3 5501 | \$6,647.65

Fund 664 | Proj. 650656 | OCA 664656 | OL3 5501 | \$3,390.28

TO:

Fund 665 | Proj. 650675 | OCA 665675 | OL3 5501 | \$10,037.93

Section 4. That the City Auditor is hereby authorized to appropriate a total of \$10,037.93 for the Clinton Heights/Colerain Area Sanitary Improvements Project within Sanitary Sewer Assessment Fund No. 665 | Div. 60-05 | Project 650675 | Object Level Three No. 6676 | OCA Code No. 665675 | Amount: \$10,037.93.

Section 5. That the 2008 Capital Improvements Budget Ordinance No. 0690-2008 is hereby amended as follows, to create budget authority for prior cancellation and to provide sufficient budget authority for the execution of the construction contract stated herein.

Creation for prior cancellations:

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

664 | 650651-100000 | Atwood Terrace/ Northridge Rel. Sewer | \$0.00 | \$6,648.00 | (+\$6,648)
664 | 650656-100000 | Weldon Ave. San. Relief Sewer | \$0.00 | \$4,166.00 | (+\$4,166)

Transfer for current contract:

Fund | Sub Fund | Fund Name | Current | Revised | (Change in Authority)

664 | 650651-100000 | Atwood Terrace/ Northridge Rel. Sewer | \$6,648.00 | \$0.00 | (-\$6,648)
664 | 650656-100000 | Weldon Ave. San. Relief Sewer | \$4,166.00 | \$775.00 | (-\$3,391)
665 | 650675-100000 | Clinton Heights/Colerain Area Sanitary Improv. | \$0.00 | \$10,039.00 | (+\$10,039)

Section 6. That for the purpose of paying the cost of the professional engineering services contract modification, the following expenditure, or as much thereof as may be needed, be and the same is hereby authorized as follows: Division 60-05; Fund 665; Clinton Heights/Colerain Area Sanitary Improvements, Project No. 650675; Object Level 6676; OCA Code 665675; Amount \$10,037.93.

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.