



Legislation Details (With Text)

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Title: To authorize the Director of Public Utilities to enter into a planned contract modification with T & M Associates for professional services related to Air Compliance Support for the Department of Public Utilities, to authorize the expenditure of \$600,000.00 the Sewerage System Operating Fund. (\$600,000.00)

Sponsors:

Indexes:

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Attachments: 1. ORD1408-2015 Subcontractor Form, 2. ORD1408-2015 Information

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 7/16/2015 | 1 | CITY CLERK | Attest | |
| 7/15/2015 | 1 | MAYOR | Signed | |
| 7/13/2015 | 1 | COUNCIL PRESIDENT | Signed | |
| 7/13/2015 | 1 | Columbus City Council | Approved | Pass |
| 6/22/2015 | 1 | Columbus City Council | Read for the First Time | |

The Department of Public Utilities maintains an effective environmental compliance program in order to reduce any environmental impacts associated with its various activities. As part of the Department's Environmental Management System development process, the Department has identified air compliance as a regulatory subject area which requires additional support.

The Department of Public Utilities has ten (10) major facilities with air emission sources requiring some level of permitting. Three facilities are covered under Title V air permits. The Department requires the assistance of qualified and experienced consultant support to assist the Regulatory Compliance Section in managing the air compliance program. The consultant will assist with review and preparation of Ohio EPA and US EPA required reports, surveys of Department facilities to identify air emission sources, field studies of Department air emissions to determine types and amounts of pollutants, development of standard operating procedures for chemical usage, emission sources, facility compliance, and various other air compliance support functions.

The Department of Public Utilities advertised Requests for Proposals (SA005105) for the subject services in the City Bulletin in accordance with the relevant provisions of Section 329 of the Columbus City Codes. One hundred ninety-six (196) vendors were solicited, including nine (9) MBR, thirteen (13) M1A, eleven (11) F1 and four (4) AS1 businesses. Four (4) proposals (MAJ) were received on September 26, 2013. The proposals were reviewed based on quality and feasibility. T & M Associates was determined to be best qualified to provide the professional services necessary for the Air Compliance Support Services Project. The resulting contract EL016011 is for three (3) years with each year originally anticipated not to exceed \$250,000.00 for a total cost of \$750,000.00. However, a second year modification for \$600,000.00 is now being requested and is discussed further below. With third year funding anticipated to remain at \$250,000.00, the total cost will be \$1,100,000.00. Each year of the contract is subject to review and approval by the City Council.

This is the first of two possible modifications of the contract. This modification will add \$600,000.00 and cover the costs associated with second year activities which are consistent with services described in the original proposal. All terms and conditions of the original agreement remain in full force and effect.

1. Amount of additional funds: The amount of additional funds needed for the second year is \$600,000.00. The first year of the contract was established for \$250,000.00. Total amount of modification No. 1 is ADD \$600,000.00. Total contract amount including this modification is \$850,000.00.

2. Reason additional needs were not foreseen:

a) The need for \$250,000.00 additional funds was foreseen and is outlined in the original agreement and identified as part of the general services to be provided. Specifically, the project anticipated that applications for renewal of two (2) Clean Air Act Title V Operating permits would become due in the second year and would require revision of the Air Emissions Surveys for the City's two Wastewater Treatment Plants. Also foreseen was the need to conclude Air Toxics evaluation of the City's sewage sludge composting operations. This evaluation was commenced in the contract's first year.

b) The need for an additional \$350,000.00 for the contract's second year could not be foreseen as it relates to recent operational decisions by the Division of Sewerage and Drainage in response to regulatory developments which were not predictable. Specifically, new operational controls for the incineration of sewage sludge have been promulgated by the USEPA to take effect on March 21, 2016. Ohio EPA has not taken delegation of these new rules issued under Section 129 of the Act, and, in order to respond appropriately to the detailed compliance requirements of the rules, Division of Sewerage and Drainage was forced to wait for issuance of a Federal Implementation Plan (FIP) by USEPA. A draft version of the FIP was not issued until April 27, 2015. The draft FIP dictates a number of actions which must be taken prior to March 2016, and which are consistent with the services to be provided within the original scope of this contract. These include development of a site-specific monitoring plan, revision of the operating procedures for emissions management during incinerator operation, development of a Certified Operator training and registration program, and extensive stack testing to demonstrate compliance with emissions limits for nine separate pollutants. Each of these activities includes documentation and submittal of reports and notices to the regulating agencies.

This legislation is to encumber the funds, foreseen and unforeseen, required for the second year of the contract.

3. Reason other procurement processes not used: The same exact service is required as originally proposed. No lower pricing/more attractive terms and conditions are anticipated at this time.

4. How cost was determined: The cost, terms and conditions are in accordance with the original agreement.

SUPPLIER: T & M Associates (22-1806708), expires 9/12/2016 (MAJ)

The company is not debarred according to the Excluded Party Listing System of the Federal Government.

FISCAL IMPACT: \$200,000.00 is budgeted. The balance will need to be reprioritized from other areas of the Sewerage System Operating Fund.

Prior Years Encumbrances for this project

2013: \$0

2014: \$250,000.00

To authorize the Director of Public Utilities to enter into a planned contract modification with T & M Associates for professional services related to Air Compliance Support for the Department of Public Utilities, to authorize the expenditure of \$600,000.00 the Sewerage System Operating Fund. (\$600,000.00)

WHEREAS, the Department of Public Utilities has a continued need to sustain its environmental management system to ensure that its air compliance requirements are met and its environmental footprint is reduced, and

WHEREAS, the contract provides the Department of Public Utilities professional services of air compliance requirements including preparation of Ohio EPA and US EPA reports, surveys of the Department air emission sources, field studies of Department air emissions for determination of potential pollutants, development of standard operating procedures for chemical usage, emission sources and facility compliance and various other air compliance functions; and

WHEREAS, the Department of Public Utilities established a contract EL016011 with T & M Associates for professional services related to air compliance; and

WHEREAS, the original contract EL016011 was established for a period of three years subject to review and approval by the City Council, the Mayor, and the Auditor's certification of funds. The amount of Modification No. 1 is ADD \$600,000.00. Total contract amount including this modification is \$850,000.00. All terms and conditions of the original agreement remain in full force and effect, and

WHEREAS, the vendor has agreed to modify and increase EL016011 at current prices and conditions, and it is in the best interest of the City to exercise this option; and

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Utilities to modify the above referenced contract because these professional services are necessary to continue the air compliance requirements and are for the preservation of public health, peace, property and safety; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Utilities be and is hereby authorized and directed to modify contract EL016011 with T & M Associates, 4675 Lakehurst Court, Suite 20, Columbus, Ohio 43016 for professional services related to Air Compliance Support for the Department of Public Utilities. The amount of Modification No. 1 is ADD \$600,000.00. Total contract amount including this modification is \$850,000.00.

SECTION 2. That this modification is in accordance with the relevant provisions of Chapter 329 of the Columbus City Codes.

SECTION 3. That the expenditure of \$600,000.00 or so much thereof as may be needed, be and the same hereby is authorized as follows:

Fund: 650
OCA: 605378
Object Level: 3336
Amount: \$600,000.00

SECTION 4. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 5. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.