



## Legislation Details (With Text)

**File #:** 2879-2015      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/9/2015      **In control:** Public Utilities Committee

**On agenda:** 12/14/2015      **Final action:** 12/16/2015

**Title:** To authorize the Director of Public Utilities to modify the professional engineering services agreement with Dynotec, Inc. for the Third Avenue CSO Increased Capture and Green Infrastructure project (Mod #1); to authorize the appropriation and transfer of \$176,340.39 from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation (G.O.) Bond Fund; to authorize the expenditure of up to \$176,340.39 from the Sanitary Sewers General Obligation Bond Fund. (\$176,340.39)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 2879-2015 Director's Legislation Information Sheet (650755) MOD #1, 2. Ord 2879-2015 SWIF 650755-100000 3rd Ave CSO 110615

Date	Ver.	Action By	Action	Result
12/16/2015	1	CITY CLERK	Attest	
12/15/2015	1	MAYOR	Signed	
12/14/2015	1	COUNCIL PRESIDENT	Approved	
12/14/2015	1	COUNCIL PRESIDENT	Signed	
12/14/2015	1	Columbus City Council	Approved	Pass
12/7/2015	1	Columbus City Council	Read for the First Time	

1. **BACKGROUND:** This legislation authorizes the Director of Public Utilities to modify a professional engineering services agreement with Dynotec, Inc. with for the Third Avenue Combined Sewer Overflow (CSO) Increased Capture and Green Infrastructure project (Mod #1). As part of the agreement between the City and the EPA, the Third Avenue CSO Increased Capture and Green Infrastructure project has performed a study, computer modeling, business case evaluation (BCE), and preliminary design of improvements in the vicinity of Third Avenue, on both sides of the Olentangy River. These improvements include providing a "typical year" level of service to the Third Avenue CSO basin, several areas of rain gardens and pervious pavement in the Third avenue CSO basin that will further reduce and improve the quality of the overflow from the Third Avenue CSO, as well as several rain gardens, pervious pavement, and stormwater inlets in the area tributary to the Third Avenue railway underpass that will reduce the flooding to the 25 year recurrence frequency. The proposed work will include finishing the design plans, construction procurement, and engineering services during construction.

### MODIFICATION INFORMATION

1.1 **Amount of additional funds to be expended: \$176,340.39**

Original Contract Amount (\$):	\$ 883,550.06
Modification #1: (Current)	<u>\$ 176,340.39</u>
Total	<b>\$1,059,890.45</b>

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

The business case evaluation was a significantly more involved process than originally anticipated, which

required more meetings, modeling, geotechnical investigations, and analysis, and resulted in different proposed improvements than what was planned in the original scope.

1.3. **Reason other procurement processes are not used:**

Re-bid of the project under the new requirements will likely result in a higher project costs as much of the project history would be lost and required to be rediscovered by another consultant unless won by the same consultant. In such a case, we would have wasted significant time in acquiring and evaluating the new proposals without significant benefit.

1.4. **How cost of modification was determined:**

The costs of Mod #1 were determined by negotiations between Dynotec and DOSD.

**2. THE PROJECT TIMELINE:** It is proposed that the project will be advertised for construction in mid-2016, with a one year construction duration.

**3. EMERGENCY DESIGNATION:** An emergency designation **is not requested** at this time.

**4. CONTRACT COMPLIANCE No.:** 31-1319961 | MBE | Exp. 02/05/2017

**5. ENVIRONMENTAL IMPACT:** The City has embarked upon its approved Wet-Weather Management Plan (WWMP). Currently, that plan is almost entirely comprised of a series of treatment plant capacity upgrades, storage tanks, tunnels, and other piping system augmentations; collectively known as “gray” infrastructure. After approval of the WWMP, the use of more renewable, sustainable, and environmentally friendly systems, commonly referred to as “green” infrastructure, has been recognized and implemented in many communities as a potential solution to many of the elements associated with consent order requirements.

It is anticipated there will be a greater impact to both economic impact and advantages by implementing a group of smaller projects which would be conducive for competition with local suppliers and vendors as opposed to the large scale, previously devised, WWMP projects.

**6. FISCAL IMPACT:** This ordinance authorizes the appropriation and transfer of \$176,340.39 from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation (G.O.) Bond Fund, Fund 664; to authorize the creation of sufficient budget authority; to authorize the expenditure of up to \$176,340.39 from the G.O. Bond Fund, Fund 664. 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 the professional engineering services agreement with Dynotec, Inc. for the Third Avenue CSO Increased Capture and Green Infrastructure project (Mod #1); to authorize the appropriation and transfer of \$176,340.39 from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation (G.O.) Bond Fund; to authorize the expenditure of up to \$176,340.39 from the Sanitary Sewers General Obligation Bond Fund. (\$176,340.39)

**WHEREAS,** it is necessary to authorize the modification of the Professional Engineering Services agreement with Dynotec, Inc. for the Third Avenue CSO Increased Capture and Green Infrastructure project (Mod #1); and

**WHEREAS,** the original contract number EL013692 was authorized by Ordinance No. 2085-2012 by the Columbus City Council on October 22, 2012; executed by the Director of Public Utilities November 16, 2012, approved by the City Attorney on November 16, 2012, and certified by the City Auditor on November 26, 2012; and

**WHEREAS,** it is necessary to authorize the appropriation and transfer of \$176,340.39 from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation (G.O.) Bond Fund; and

**WHEREAS**, it is necessary to authorize the expenditure of up to \$176,340.39 from the Sanitary Sewer General Obligation Fund, Fund 664; and

**WHEREAS**, this transfer 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 Division of Sewerage and Drainage, Department of Public Utilities, to authorize the Director of Public Utilities to modify the professional engineering services agreement with Dynotec, Inc. for the Third Avenue CSO Increased Capture and Green Infrastructure project (Mod #1), at the earliest practical 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 the professional engineering service agreement with Dynotec, Inc., 2931 East Dublin-Granville Road, Suite 200, Columbus, Ohio 43231 for the Third Avenue CSO Increased Capture and Green Infrastructure project (Mod #1) in accordance with the terms and conditions as shown in the contract on file in the office of the Division of Sewerage and Drainage.

**SECTION 2.** That from the unappropriated monies in the Sanitary Sewer Reserve Fund No. 654, 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, 2015, the sum of \$176,340.39 is hereby appropriated to the Division of Sewerage and Drainage: Division 60-05 | OCA Code 655225 | Object Level One 10 | Object Level Three 5502.

**SECTION 3.** That the City Auditor is hereby authorized to transfer and appropriate a total \$176,340.39 from the Sanitary Sewer Reserve Fund to the Sanitary Sewer Bond Fund, Fund 664, into the Third Avenue CSO Increased Capture and Green Infrastructure project (Mod #1), CIP 650755-100000, at such time as deemed necessary by the Auditor, or so much thereof as may be necessary in the following manner: Division 60-05 | 664755 | Object Level 06 | Object Level Three 6630

**SECTION 4.** That the Director of Public Utilities be and hereby is authorized to expend up to \$176,340.39 from the Sanitary Sewer General Obligation Bond Fund, Fund 664 | Div. 60-05 | Obj. Level 3 6630 in the following manner:

**Fund # | Project No. | Project Name | OCA Code | Amount (\$)**

664 | 650755-100000 | Third Ave CSO Increased Capture and Green Infrastructure | 664755 | +\$176,340.39

**SECTION 5:** That the said engineering company, Dynotec, Inc., 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 and directed 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 no longer required for said project; except that no transfer shall be made from a project account 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 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 in Section 2 and Section 3, and said funds are hereby deemed appropriated for such purposes.

**SECTION 10.** 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 \$176,340.39 (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 the fund from which the advance for costs of the Project will be made.

**SECTION 11.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.