



## Legislation Details (With Text)

**File #:** 1924-2017      **Version:** 1

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

**File created:** 7/7/2017      **In control:** Public Utilities Committee

**On agenda:** 7/31/2017      **Final action:** 8/3/2017

**Title:** To authorize the Director of Public Utilities to modify and increase an existing professional engineering agreement with Brown and Caldwell for the Southerly Waste Water Treatment Plant Chemically Enhanced Primary Treatment - Preliminary Treatment Project; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation Bond Fund and to authorize the expenditure of \$3,668,016.00 from the Sanitary Sewer General Obligation Bond Fund; and to declare an emergency. (\$3,668,016.00)

### Sponsors:

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**Attachments:** 1. 367.2 Mod. 2 Director's Legislation Info Sheet (6-22-17), 2. Ord. 1924-2017 Funding Template, 3. Ord. 1924-2017 SWIF

Date	Ver.	Action By	Action	Result
8/3/2017	1	ACTING CITY CLERK	Attest	
8/2/2017	1	MAYOR	Signed	
7/31/2017	1	COUNCIL PRESIDENT	Signed	
7/31/2017	1	Columbus City Council	Approved	Pass

**1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to modify and increase (Mod #2) an existing professional engineering agreement with Brown and Caldwell for the Southerly Waste Water Treatment Plant (SWWTP) Chemically Enhanced Primary Treatment (CEPT) - Preliminary Treatment Project. This project is one of three to provide the Chemically Enhanced Primary Treatment (CEPT) as approved by the Ohio EPA. The Southerly Waste Water Treatment Plant CEPT project will provide additional plant capacity to treat wet weather flows in excess of 330 MGD at the Southerly Wastewater Treatment Plant as approved by the Ohio EPA. This project will complete the full plant expansion and will focus on upgrades and modifications to the headworks facility, solids handling facilities, and plant control system.

This is a contract for professional engineering design services and services during construction (Design Professional, or "DP" services). This phase of this contract will consist of Engineering Services during Construction SWWTP CEPT - Preliminary Treatment.

## **2. PROJECT MODIFICATION:**

### **2.1 Amount of additional funds to be expended: \$3,668,016.00**

This contract modification is proposed to be entered into for an amount of \$3,668,016.00 that is estimated to be sufficient to complete the work included in the scope of services. Following is an estimate of costs for the contract:

Original Contract	\$ 1,583,073.00
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Modification No. 1	\$ 3,648,350.00
Modification No. 2 (current)	\$ 3,668,016.00
<b>TOTAL</b>	<b>\$ 8,899,439.00</b>

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

The Contract modification was and anticipated.

**2.3 Reason other procurement processes are not used:**

Given the highly technical nature of the project and the specialized knowledge of the project area required to complete the services, it would be more costly to solicit proposals for completions of the services by other parties.

**2.4 How cost of modification was determined:**

Estimates were provided by the consultant for the number of hours needed to complete the portions of the work assigned.

- 3. PROJECT TIMELINE:** The DP began Step 1, Preliminary Design Services, after notice to proceed (NTP) was given for the Original Agreement on July 23, 2014. Preliminary design was completed in August 2015. Step 2, Detailed Design and Bidding Services, commenced on December 4, 2015 after the NTP was given for Modification No. 1. Detailed design was completed in March 2017 and Bidding Services are estimated to be completed in July 2017. At the conclusion of Bidding Services, the CEPT-PT construction contract and Step 3, Engineering Services during Construction (Modification No. 2), will be given the NTP. It is estimated that the construction contract will be awarded in July 2017.

The overall contract duration, from initiation of Preliminary Design Services to completion of Services during Construction, is estimated to be 78 months. Brown and Caldwell's services will continue beyond completion of construction to provide "as-built" record drawings of the constructed facilities.

- 4.** This company is not debarred according to the Federal Excluded Parties Listing or the State Auditor's Findings for Recovery Database.
- 5. CONTRACT COMPLIANCE NO.:** 94-1446346 | Exp. 08/26/2017 | DAX # 010815 | MAJ |
- 6. EMERGENCY DESIGNATION:** Emergency designation **IS REQUESTED** at this time in order to meet construction timelines and deliverable schedules.
- 7. ECONOMIC IMPACT:** This project will capture and treat wet weather flows in excess of the current plant capacity. Without this improvement, these wastewater flows would be conveyed, untreated, to the river. The addition of this treatment will remove solids from and disinfect the wastewater, which will provide protection of and benefit to the receiving waters.

Public informational meetings are not anticipated for this project, all proposed work should be within the boundaries of the wastewater treatment facility. Regulatory agencies will be notified of the proposed work as appropriate.

- 8. FISCAL IMPACT:** This ordinance authorizes the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation (G.O.) Bond Fund; authorizes the expenditure of \$3,668,016.00 from the G.O. Bond Fund sufficient budget authority already exist for this ordinance. 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 and increase an existing professional engineering agreement with

Brown and Caldwell for the Southerly Waste Water Treatment Plant Chemically Enhanced Primary Treatment - Preliminary Treatment Project; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation Bond Fund and to authorize the expenditure of \$3,668,016.00 from the Sanitary Sewer General Obligation Bond Fund; and to declare an emergency. (\$3,668,016.00)

**WHEREAS**, Contract No. EL015877 was authorized by Ordinance No. 0966-2014, passed by the Columbus City Council on June 9, 2014; and

**WHEREAS**, Contract No. EL017635 was authorized by Ordinance No. 2485-2015, passed by Columbus City Council on November 2, 2015; and

**WHEREAS**, it is necessary to modify and increase this contract in order to fund Services during Construction for the SWWTP CEPT - Preliminary Treatment Project; and

**WHEREAS**, it is necessary to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund 6102 to the Sanitary Sewer General Obligation Bond Fund 6109; and

**WHEREAS**, it is necessary to authorize the expenditure of funds from the Sanitary Sewer System General Obligation Bond Fund 6109; and

**WHEREAS**, it is necessary to transfer funds from the Sanitary Sewer Reserve Fund in the amount \$3,668,016.00 for this project; 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**, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately necessary to authorize the Director to modify and increase an existing professional engineering agreement with Brown and Caldwell for the SWWTP CEPT - Preliminary Treatment Project in order to meet project timelines 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 is hereby authorized to modify and increase (Mod #2) an existing engineering services agreement with Brown and Caldwell, 4700 Lakehurst Court, Suite 100, Columbus, OH 43016 for the SWWTP CEPT - Preliminary Treatment 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 from the unappropriated monies in the Sanitary Sewer Reserve Fund No. 6102, 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, 2017, the sum of \$3,668,016.00 is hereby appropriated to the Division of Sewerage and Drainage per the attachment to this ordinance.

**SECTION 3.** That the City Auditor is hereby authorized to transfer and appropriate a total \$3,668,016.00 from the Sanitary Sewer Reserve Fund 6102 to the Sanitary Sewer Bond Fund 6109 for the SWWTP CEPT - Preliminary Treatment Project, 650367-100002, at such time as deemed necessary by the Auditor, or so much thereof as may be necessary as detailed in the attachment to this ordinance.

**SECTION 4.** That the Director of Public Utilities is hereby authorized to expend up to \$3,668,016.00 for the SWWTP CEPT - Preliminary Treatment Project per the accounting codes detailed in the attachment to this ordinance.

**SECTION 5.** That the said firm, Brown and Caldwell, 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 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 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 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 6102 the amount transferred above (Section 3), and said funds are hereby deemed appropriated for such purposes.

**SECTION 11.** 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 \$3,668,016.00 (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 12.** That for reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.