



Legislation Details (With Text)

File #: 1963-2017 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 7/11/2017 **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 (Mod #2) and increase an existing contract with Korda/Nemeth Engineering, Inc. in the amount of \$400,000.00 for General Engineering Services for the Division of Sewerage and Drainage; to expend up to \$200,000.00 from the Sanitary Sewer General Obligation Bond Fund; to expend \$200,000.00 from the Storm Sewer Bonds Fund; and to amend the 2017 Capital Improvement Budget. (\$400,000.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ord 1963-2017 Director's Legislation Information Sheet 71217, 2. Ord 1963-2017 SWIF GES Mod #2, 3. Ord. 1963-2017 Funding Template

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	Read for the First Time	
7/31/2017	1	Columbus City Council	Waive the 2nd Reading	Pass
7/31/2017	1	Columbus City Council	Approved	Pass

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into contract modification (Mod #2) for the General Engineering Services agreement with Korda/Nemeth Engineering, Inc. for the Division of Sewerage and Drainage (Sanitary and Storm Water). The scope of work for this modification is to provide consulting engineering services for miscellaneous rehabilitation projects not already included in the Capital Improvement Program - on an as needed basis.

This ordinance authorizes an expenditure of \$200,000.00 from the Sanitary Sewers Bond Fund 6109 and \$200,000.00 from the Storm Water Bond Fund for a total expenditure of up to \$400,000.00.

2. PROJECT MODIFICATION:

Amount of additional funds to be expended: \$400,000 (Total Expenditure)

\$200,000.00 from Sanitary Sewers

\$200,000.00 from Storm Water

2.1 Original Contract (EL017218) Sanitary	\$200,000.00
Original Contract (EL017218) Storm Water	\$100,000.00
Modification #1 (PO040089 & PO040150)	\$400,000.00
Modification #2 (Current)	\$400,000.00
Total	\$1,100,000.00

2.2 Reasons additional goods/services could not be foreseen:

This is a planned contract modification.

2.3 Reason other procurement processes are not used:

This is a planned modification to provide consulting engineering services of miscellaneous rehabilitation projects not included in the Capital Improvement Program - as needed by the SSES and SMOC Sections of the DOSD.

2.4 How cost of modification was determined:

The costs of Mod #2 was determined as an estimate of ongoing needs not included in the DOSD Capital Improvement Program on an annual basis.

3. PROJECT TIMELINE: General Engineering Services as needed.

4. CONTRACT COMPLIANCE NO: 31-0922991| MAJ | Expires 05/24/2019 | Vendor # 004467

5. EMERGENCY DESIGNATION: Emergency action **is not requested** at this time.

6. ECONOMIC IMPACT: This project will provide general engineering services of miscellaneous capital improvement projects not already included in the Capital Improvement Program.

7. FISCAL IMPACT: Note: this ordinance will have two (2) funding sources-one from the Sanitary Sewer General Obligation (G.O.) Bond Fund and the other from the Storm Sewer Bond Fund. This ordinance authorizes the following: (1) the appropriation and transfer of \$200,000.00 from the Sanitary Sewer Reserve Fund 6102 to the Sanitary Sewer General Obligation (G.O.) Bond Fund 6109; (2) the expenditure of \$200,000.00 from the Sanitary Sewer G.O. Bond Fund 6109, (3) a transfer within and an expenditure of up to \$200,000.00 from the Storm Sewer Bond Fund 6204, and (4) an amendment to the 2017 Capital Improvement Budget. Monies 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 (Mod #2) and increase an existing contract with Korda/Nemeth Engineering, Inc. in the amount of \$400,000.00 for General Engineering Services for the Division of Sewerage and Drainage; to expend up to \$200,000.00 from the Sanitary Sewer General Obligation Bond Fund; to expend \$200,000.00 from the Storm Sewer Bonds Fund; and to amend the 2017 Capital Improvement Budget. (\$400,000.00)

WHEREAS, Contract No. EL017218 was authorized by Ordinance No. 0754-2015, passed by the Columbus City Council on May 11, 2015; and

WHEREAS, Purchase Orders PO040089 and PO040150 were authorized by Ordinance No. 2734-2016, passed by the Columbus City Council on November 21, 2016; and

WHEREAS, it is necessary to authorize a planned modification (Mod#2) of the 2015-2017 General Engineering Services agreement with Korda/Nemeth Engineering, Inc. for the Division of Sewerage and Drainage; and

WHEREAS, it is necessary to transfer \$178,967.49 within and expend up to \$200,000.00 from the Storm Sewer Bonds Fund 6204; and

WHEREAS, it is necessary to authorize the appropriation and transfer of \$200,000.00 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 up to \$200,000.00 from the Sanitary Sewer General

Obligation Bond Fund 6109; 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 aggregate principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$400,000.00; 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 Department of Public Utilities to authorize the Director to modify (Mod #2) and increase the existing agreement, with Korda /Nemeth Engineering, Inc. for the General Engineering Services agreement in order to meet project timelines and deliverables, for the preservation of the 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 is hereby authorized to modify (Mod #2) the 2015 - 2107 General Engineering Service (GES) agreement with Korda/Nemeth Engineering, Inc., 1650 Watermark Drive, Suite 200, Columbus, Ohio 43215; in accordance with the terms and conditions of 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. 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 \$200,000.00 is hereby appropriated to the Division of Sewerage and Drainage.

SECTION 3. That the City Auditor is hereby authorized to transfer and appropriate a total \$200,000.00 from the Sanitary Sewer Reserve Fund 6102 to the Sanitary Sewer General Obligation Bond Fund 6109, at such time as deemed necessary by the Auditor, or so much thereof as may be necessary per the account codes in the attachment to this ordinance.

SECTION 4. That the Director of Public Utilities is hereby authorized to expend up to \$200,000.00 from the Sanitary Sewer General Obligation Bond Fund 6109 per the accounting codes in the attachment to this ordinance.

SECTION 5. That the Director of Public Utilities is hereby authorized to transfer within and expend up to \$200,000.00 from the Storm Water Bond Fund 6204 per the accounting codes in the attachment to this ordinance.

SECTION 6. That the 2017 Capital Improvement Budget is amended as follows:

Fund | Project No. | Project Name | Current Authority | Revised Authority | (Change)

6204 | P610786-100000 (carryover)| Clintonville Stormwater Syst Imprv Phase 2 | \$903,183 | \$724,215 | (-\$178,968)
6204 | P610762-100000 (carryover) | General Engineering Services Storm | \$21,033 | \$200,001 | (+\$178,968)

SECTION 7. That the said firm, Korda/Nemeth Engineering, 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 8. 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 9. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 10. 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 11. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated and the City Auditor shall establish such accounting as necessary

SECTION 12. 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 (Section 3), and said funds are hereby deemed appropriated for such purposes.

SECTION 13. 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 \$200,000.00 (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 the fund from which the advance for costs of the Project will be made.

SECTION 14. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.