



## Legislation Details (With Text)

**File #:** 0909-2022      **Version:** 1

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

**File created:** 3/22/2022      **In control:** Public Utilities Committee

**On agenda:** 5/2/2022      **Final action:** 5/5/2022

**Title:** To authorize the Director of Public Utilities to modify an existing professional services agreement with H.R. Gray & Associates Inc. for the Wastewater Treatment Facilities Professional Construction Management (PCM) project Mod #7; to authorize the expenditure of up to \$325,000.00 from the Sanitary General Obligations Fund - 6109. (\$325,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 16. Director's Legislation Information Sheet (1-23-2019), 2. 05. Utilization Form, 3. Funding Template

Date	Ver.	Action By	Action	Result
5/5/2022	1	CITY CLERK	Attest	
5/4/2022	1	MAYOR	Signed	
5/2/2022	1	COUNCIL PRESIDENT	Signed	
5/2/2022	1	Columbus City Council	Approved	Pass
4/18/2022	1	Columbus City Council	Read for the First Time	

**1. Background:** Due to changes in Columbus City Code Section 329, we are unable to advertise for new Professional Construction Management (PCM) services until after the new ODI requirements are provided for inclusion in the RFP. There are currently several construction projects that require these vital services, therefore extending the existing contract is the only means to provide the service at this time. In order to prevent a lapse in construction management services and potential for compensatory delays on construction contracts, we respectfully request that legislation be approved for extending the existing PCM contract assignment window by 4 months to cover all construction projects and related services for projects that will be legislated by September 16, 2022. The contract provides construction administration and management services including, construction inspection, construction and startup coordination, reporting, budgeting, scheduling, document tracking, and related tasks associated with a multi-project program for the following Construction Contracts:

650261-102001	HVAC Replacement Projects	\$75,000.00
650261-102002	Roof Replacement Projects	\$100,000.00
650261-102000	Small Capital Projects	\$150,000.00
<b>Total</b>		<b>\$325,000.00</b>

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.

**Project Modification Information:**

**1.1 Amount of additional funds to be expended: \$325,000.00**

Original Contract	\$ 7,399,879.94
Modification No. 1	\$ 6,451,385.43
Modification No. 2	\$ 8,235,949.39
Modification No. 3	\$ 1,962,691.56
Modification No. 4	\$ 1,122,922.21
Modification No. 5	\$ 6,006,851.66
Modification No. 6	\$ 633,500.00
<u>Modification No. 7 (current)</u>	<u>\$ 325,000.00</u>
CURRENT PROPOSED TOTAL	\$32,138,180.19

1.2 **Reasons additional goods/services could not be foreseen:** This contract modification is an unplanned, is for the continuation of the services included within the original contract's scope of service, and is necessary to provide continuation of services due to the changes in City code 329.

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

It is an unplanned continuation of the services originally included within the existing contract's scope of service until such time as a new RFP can be advertised.

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

A cost proposal was provided by H.R. Gray & Associates Inc. and reviewed by the Division of Sewerage and Drainage and was deemed acceptable. The cost of this contract modification is consistent with the direct labor, overhead, and profit rates established within the original proposal.

2. **Project Timeline:** The original contract was intended to have a five year work assignment window commencing in 2017 and to end with the close-out of any projects added in the contract modification of 2021. The RFP for a new contract is now on hold awaiting the new ODI requirements, therefore, it is now necessary to extend the current contract via unplanned mod in order to prevent a lapse in services.

The original agreement was signed on May 16, 2017. This modification will allow the City to assign services for new contracts being legislated prior September 16, 2022 and will end upon close out of the final project added by this modification.

3. **Contract Compliance No.:** 31-1050479 | MAJ | Exp. 6/21/2023 | Vendor # 004640

4. **Emergency Designation:** Emergency designation **is not requested** at this time.

5. **Economic or Environmental Impact:** The performance of this professional contract management services for the subject construction contracts will help to prevent or reduce number of construction claims, and minimize charge amount of the unavoidable claims. No community outreach or environmental factors are considered for this project. This project will be in Community Planning Area 99, as it will benefit the entire City.

6. **Fiscal Impact:** There is sufficient funding and authority for this expenditure within the Sanitary General Obligations Fund - 6109.

To authorize the Director of Public Utilities to modify an existing professional services agreement with H.R. Gray & Associates Inc. for the Wastewater Treatment Facilities Professional Construction Management (PCM) project Mod #7; to authorize the expenditure of up to \$325,000.00 from the Sanitary General Obligations Fund - 6109. (\$325,000.00)

**WHEREAS**, the original agreement was authorized by Ordinance 0817-2017, passed May 1, 2017; executed by the Director on May 18, 2017; approved the City Attorney May 23, 2017; and certified by the City Auditor on May 24, 2017;

and

**WHEREAS**, modification #1 was authorized by Ordinance 0699-2018, passed April 9, 2018; and

**WHEREAS**, modification #2 was authorized by Ordinance 0925-2019, passed May 6, 2019; and

**WHEREAS**, modification #3 was authorized by Ordinance 0828-2020, passed May 4, 2020; and

**WHEREAS**, modification #4 was authorized by Ordinance 2139-2020, passed October 19, 2020; and

**WHEREAS**, modification #5 was authorized by Ordinance 2547-2020, passed December 7, 2020; and

**WHEREAS**, modification #6 was authorized by Ordinance 0300-2021, passed February 22, 2021; and

**WHEREAS**, it is necessary to authorize the Director of Public Utilities to modify (Mod #7) the agreement with H.R. Gray & Associates Inc. for the Professional Construction Management (PCM) Services; and

**WHEREAS**, this is a multi-year agreement with subsequent planned contract modifications; and

**WHEREAS**, this is a unplanned modification due to a delay in advertising Requests for Proposals necessitated by upcoming changes to Columbus City Code Section 329; and

**WHEREAS**, it is necessary to authorize the expenditure of up to \$325,000.00 from the Sanitary General Obligations Fund - 6109; and

**WHEREAS**, it has become necessary in the usual daily operation of the Department of Public Utilities, Division of Sewerage and Drainage, to authorize the Director to modify (Mod #7) an existing professional services agreement with H.R. Gray & Associates Inc. for the Wastewater Treatment Facilities Professional Construction Management (PCM) project 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 is hereby authorized to modify an existing professional services agreement with H.R. Gray & Associates Inc., 3770 Ridge Mill Drive, Columbus, Ohio 43026 for the Wastewater Treatment Facilities Professional Construction Management (PCM) project; for an expenditure of up to \$325,000.00; 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 the City Auditor is hereby authorized to expend up to \$325,000.00 from the Sanitary General Obligations Fund 6109, per the accounting codes in the attachment to this ordinance.

**SECTION 3.** That the said firm, H.R. Gray & Associates 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 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 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 6.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate

**SECTION 7.** 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 8.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.