



## Legislation Details (With Text)

**File #:** 2866-2022      **Version:** 1

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

**File created:** 10/18/2022      **In control:** Public Utilities Committee

**On agenda:** 11/14/2022      **Final action:** 11/16/2022

**Title:** To authorize the Director of Public Utilities to modify an existing engineering agreement with Black & Veatch Corporation for the Lockbourne Intermodal Subtrunk (LIS) Air Quality Improvements project; to authorize the transfer within of up to \$76,880.69 and the expenditure of up to \$76,880.69 from the Sanitary Sewer Obligation Bond Fund for the Division of Sewerage and Drainage, and to amend the 2022 Capital Improvement Budget. (\$76,880.69)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 2866-2022 Information, 2. Ord 2866-2022 Utilization, 3. Ord 2866-2022 Funding

Date	Ver.	Action By	Action	Result
11/16/2022	1	CITY CLERK	Attest	
11/15/2022	1	ACTING MAYOR	Signed	
11/14/2022	1	COUNCIL PRESIDENT	Signed	
11/14/2022	1	Columbus City Council	Approved	Pass
11/7/2022	1	Columbus City Council	Read for the First Time	

**BACKGROUND:** This legislation authorizes the Director of Public Utilities to modify an existing engineering agreement with Black & Veatch Corporation for the Lockbourne Intermodal Subtrunk Air Quality Improvements project, CIP 650491-100005. As part of the Northern Pickaway Joint Economic Development District (JEDD) agreement the City of Columbus agreed to construct the sanitary sewer infrastructure necessary to serve the district. A majority of that area will be served via the 60-78" Lockbourne Intermodal Subtrunk Sewer (LIS). During the design of this sub-trunk, a preliminary ventilation and odor control study conducted by HWS (Harvey W. Sorensen) in September of 2013 determined that air quality control would be required in order to prevent odor releases and pressurizing of the sanitary system. To date, the consultant has completed the project design, bidding phase and has conducted 30 months of engineering services during construction.

This project is located in the 64 - Far South Columbus Community.

**Modification Information: Amount of additional funds: \$76,880.69**

Initial Contract	\$576,425.09 (EL017419)
Modification #1	\$159,049.49 (PO152911)
Modification #2	\$157,348.10 (PO287172)
Modification #3	<u>\$76,880.69 (Current)</u>
<b>TOTAL</b>	<b>\$969,703.37</b>

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

The main driver for this modification is due to the lack of progress of the contractor. The Contractor was

given notice to proceed with the construction on this contract on May 7, 2020. The Substantial Completion Date for the project was January 2, 2021. While the contractor did begin submittals and some minor site activities, they did not mobilize to the site fully until January 18, 2021. The Contractor was granted an extension of the Substantial Completion date until October 22, 2021. However, the Contractor has not yet started the Operational Demonstration Period that is necessary prior to Substantial Completion. Nor have they completed all construction necessary for Substantial Completion. The Contractor has not submitted a Recovery Schedule to date. B&V did not budget for a period this long and they have exhausted their funds due to repeated meetings, submittal reviews and coordination efforts.

Pursuant to CMS section 108.07, it is the intent of the CMT to recuperate all costs associated with the contractor's delay.

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

Re-bid of the project will likely result in a higher project costs as much of the project history would be lost and would need to be rediscovered by another consultant unless the new RFP were won by the same consultant.

**How cost of modification was determined:**

A cost estimate for the proposed scope of work was prepared by Black & Veatch Corporation, and reviewed by DOSD. The total modification includes total labor cost (direct labor multiplied by the hourly cost multiplier).

**Project Timeline:**

The project NTP was issued in May of 2020 with a completion date of January 2021. The Contractor was granted an extension of the Substantial Completion date until October 22, 2021 but they have not achieved it as of this request. Engineering services during construction are expected to take another 8 months (construction completion, as-built plans, close out documents and warranty).

**Contract Compliance No.:** 43-1833073 | MAJ | (Expires 9/1/2023) | Vendor #: 008038

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

**Economic Impact:** This project is being completed to prevent future odor complaints within the project area once the Lockbourne Intermodal Subtrunk sewer is completed. An evaluation of the proposed subtrunk showed that constructing odor control facilities will be necessary once it is put into service. This project will allow the City to improve the environment of the neighborhoods in and around the facilities and future sub-trunk alignment while fostering a better working relationship with the surrounding community.

**FISCAL IMPACT:** This ordinance requires a transfer within of up to \$76,880.69 and an expenditure of up to \$76,880.69 from the Sanitary Sewer General Obligation Bond Fund 6109 and amends the 2022 Capital Improvement Budget.

To authorize the Director of Public Utilities to modify an existing engineering agreement with Black & Veatch Corporation for the Lockbourne Intermodal Subtrunk (LIS) Air Quality Improvements project; to authorize the transfer within of up to \$76,880.69 and the expenditure of up to \$76,880.69 from the Sanitary Sewer Obligation Bond Fund for the Division of Sewerage and Drainage, and to amend the 2022 Capital Improvement Budget. (\$76,880.69)

**WHEREAS**, it is necessary to authorize the Director of Public Utilities to modify an existing agreement for professional engineering services with Black & Veatch, Corporation for the Lockbourne Intermodal Subtrunk Air Quality Improvements project; CIP #650491-100005; and

**WHEREAS**, the original agreement, Contract No. EL017419, was authorized by Ordinance No. 0627-2015; and

**WHEREAS**, the original agreement was modified with Ordinance 2975-2018, approved by Columbus City Council on December 3, 2018; and

**WHEREAS**, the original agreement was modified a second time with Ordinance 1805-2021, approved by Columbus City Council on July 19, 2021; and

**WHEREAS**, it is necessary to authorize the transfer within of up to \$76,880.69 and an expenditure of up to \$76,880.69 from the Sanitary Sewer General Obligation Bond Fund 6109; and

**WHEREAS**, it is necessary to amend the 2022 Capital Improvement Budget; 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 of Public Utilities to modify an existing engineering agreement with Black & Veatch Corporation for the Lockbourne Intermodal Subtrunk Air Quality Improvements project, CIP 650491-100005 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 authorized to modify an existing engineering agreement with Black & Veatch Corporation, 4449 Easton Way, Suite 150, Columbus, Ohio 43219 for the Lockbourne Intermodal Subtrunk Air Quality Improvements Project, CIP 650491-100005, in accordance with the terms and conditions as shown on the contract on file in the office of the Division of Sewerage and Drainage.

**SECTION 2.** That the Director of Public Utilities is hereby authorized to transfer within up to \$76,880.69 and expend up to \$76,880.69 from the Sanitary Sewer General Obligation Bond Fund 6109 per the account codes in the attachment to this ordinance.

**SECTION 3.** That the 2022 Capital Improvement Budget is amended per the accounting codes in the attachment to this ordinance.

**SECTION 4.** That said company, Black & Veatch Corporation shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

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