



## Legislation Details (With Text)

**File #:** 0571-2024      **Version:** 1

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

**File created:** 2/16/2024      **In control:** Public Utilities & Sustainability Committee

**On agenda:** 3/25/2024      **Final action:** 3/27/2024

**Title:** To authorize the Director of the Department of Public Utilities to modify and increase the contract with CDM Smith, Inc., for the Waste Water Treatment Facilities System Instrumentation and Control Integration and Programming project; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize the appropriation and transfer of funds from the Sanitary Reserve Fund to the Sanitary-Fresh Water Market Rate Program Fund; to authorize the appropriation and expenditure of up to \$500,000.00 from the Sanitary-Fresh Water Market Rate Program Fund for the contract. (\$500,000.00)

**Sponsors:**

**Indexes:** MBE Participation, WBE Participation

**Code sections:**

**Attachments:** 1. ORD 0571-2024 Utilization, 2. ORD 0571-2024 Accounting Template

Date	Ver.	Action By	Action	Result
3/27/2024	1	CITY CLERK	Attest	
3/26/2024	1	MAYOR	Signed	
3/25/2024	1	COUNCIL PRESIDENT	Signed	
3/25/2024	1	Columbus City Council	Approved	Pass
3/18/2024	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND

This ordinance authorizes the Director of Public Utilities to enter into a planned contract modification for professional engineering services with CDM Smith, Inc. for professional engineering services for the WWTFIS Instrumentation and Control (I&C) Integration and Programming #3 project, CIP #650348-100005, in an amount up to \$500,000.00.

This project will provide needed upgrades to the existing Plant Wide Process Control System (PWPCS) at each Division of Sewerage and Drainage (DOSD) facility. It will provide integration for the newly constructed capital improvement projects into the existing PWPCS at the DOSD facilities and provide DOSD staff training, with the goal that the City staff will become self-reliant to handle all PWPCS issues. New projects must be integrated into the PWPCS to best maintain the operational performance of the treatment facilities. This project also assists City staff in maintaining and upgrading the PWPCS at the Southerly plant, Jackson Pike plant, Sewer Maintenance Operation Center, Compost facility, and remote telemetry sites including (14) Sanitary Pump Stations, (16) Storm Pump Stations, (8) Biofilter sites, (4) Stream gauge sites, (6) Floodwall Gate Houses, and (30) Flow meter sites.

The community planning area for this project is 99 - Citywide.

#### 1.1 Amount of additional funds to be expended: \$500,000.00

Original Contract Amount: \$500,000.00 (Ord. 3370-2022; PO368205)

Modification #1: \$500,000.00 (Current)

Total: \$1,000,000.00

#### 1.2. Reason other procurement processes are not used:

This contract was awarded through the City's RFP process to provide engineering services through the completion of construction of this project. This contract modification is being executed solely to provide funding to continue the next phase of engineering services needed for this project. A new procurement process is not required.

### **1.3. How cost of modification was determined:**

The cost of the modification was determined per the contract rates and job titles established in the original contract and an estimate of the number of hours needed for each job title for the tasks to be assigned to the contract modification.

## **2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT**

This contract is essential for maintenance and troubleshooting of the Plant Wide Process Control System (PWPCS) as well as integration of new equipment with the control system. The project provides emergency response for troubleshooting of the PWPCS which will allow more reliable service from the DOSD facilities and help ensure that the facilities meet environmental permits.

## **3. CONTRACT COMPLIANCE INFORMATION**

CDM Smith, Inc.'s contract compliance number is CC000180 and expires 10/7/24.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against CDM Smith, Inc.

## **4. MINORITY AND WOMAN OWNED BUSINESS ENTERPRISE & SMALL LOCAL BUSINESS ENTERPRISE PROGRAM**

This contract was established with a City of Columbus MBE/WBE Program goal of 8.0% as assigned by the City's Office of Diversity and Inclusion (ODI). The 8% goal must be met with the combined spend of the original contract and all contract modifications. CDM Smith, Inc. is classified as a majority company by the City's Office of Diversity and Inclusion. CDM Smith, Inc. anticipates performing the work on this contract modification with the use of subconsultants. The MBE/WBE percentage for this modification is expected to be 8%.

As part of their proposal, CDM Smith, Inc. has proposed the following subcontractors to perform contract work:

<b><u>Company Name</u></b>	<b><u>City/State</u></b>	<b><u>ODI Certification Status</u></b>
Brown and Caldwell	Columbus, Ohio	MAJ
CAD Concepts Inc.	Columbus, Ohio	WBE
Emerging Technology Integrators, Inc.	Columbus, Ohio	MBE

The certification of CDM Smith, Inc. and the above companies was in good standing at the time the bid was awarded.

## **5. FISCAL IMPACT**

Funding for this contract modification will be obtained through the Ohio Water Development Authority Direct Loan Program. City Council authorized this loan application and acceptance of loan funding via Ordinance 0997-2023, passed by Council on 4/24/23. CIP #650348-100005 is not listed as a project anticipated to be funded through this loan program in Ordinance 0997-2023. Section 2 of the Ordinance allows the Director of the Department of Public Utilities to add projects to the list per departmental need.

The Ohio Water Development Authority (OWDA) Direct Loan Program is a reimbursement program. A purchase order will need to be established to CDM Smith, Inc. for this contract modification. Public Utilities will need to pay the construction administration and inspection charges directly to CDM Smith, Inc. and then submit reimbursement requests based upon these paid invoices to OWDA for OWDA to reimburse Public Utilities.

A transfer of funds from the Sanitary Reserve Fund, Fund 6102, to the Sanitary-Fresh Water Market Rate Program Fund, Fund 6124, in the amount of \$500,000.00 is needed to fund this project. This transaction is a temporary measure that is required until a loan is executed with the OWDA to reimburse the Sanitary Reserve Fund. The loan is expected to be

approved in April, 2024. These funds will also need to be appropriated to be transferred and then appropriated after transfer to the new fund. An amendment to the 2023 Capital Improvement Budget is needed to align budget authority with the proper project.

To authorize the Director of the Department of Public Utilities to modify and increase the contract with CDM Smith, Inc., for the Waste Water Treatment Facilities System Instrumentation and Control Integration and Programming project; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize the appropriation and transfer of funds from the Sanitary Reserve Fund to the Sanitary-Fresh Water Market Rate Program Fund; to authorize the appropriation and expenditure of up to \$500,000.00 from the Sanitary-Fresh Water Market Rate Program Fund for the contract. (\$500,000.00)

**WHEREAS**, the Department of Public Utilities is engaged in the WWTFS Instrumentation and Control (I&C) Integration and Programming #3 project; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to modify and increase the contract with CDM Smith, Inc. for the WWTFS Instrumentation and Control (I&C) Integration and Programming #3 project; and

**WHEREAS**, the 2023 Capital Improvements Budget must be modified to align budget authority with the proper project; and

**WHEREAS**, it is necessary to both appropriate and transfer funds from the Sanitary Reserve Fund to the Sanitary-Fresh Water Market Rate Program Fund in order to temporarily fund this expenditure until such time as the City receives loan proceeds from the Ohio Water Development Authority to 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 (collectively, the “Project”); and

**WHEREAS**, it is necessary to appropriate and expend funds from the Sanitary-Fresh Water Market Rate Program Fund to pay for this contract modification; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the 2023 Capital Improvements Budget authorized by Ordinance 1711-2023 be amended as follows to establish sufficient budget authority for this project:

**Fund / Project Number / Project Name (Funding Source) / Current Authority/ Revised Authority / Change**  
6124 / 650348-100005 / WWTFS Instrumentation and Control (I&C) Integration and Programming #3 (OWDA Direct Loan) / \$0.00 / \$500,000.00 / \$500,000.00 (To match loan amount)

**SECTION 2.** That from the unappropriated monies 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, 2024, the sum of \$500,000.00 is appropriated in the Sanitary Reserve Fund, Fund 6102, per the account codes in the attachment to this ordinance.

**SECTION 3.** That the transfer of \$500,000.00, or so much thereof as may be needed, is hereby authorized between the Sanitary Reserve Fund, Fund 6102, and the Sanitary-Fresh Water Market Rate Program Fund, Fund 6124, per the account codes in the attachment to this ordinance.

**SECTION 4.** That the appropriation of \$500,000.00, or so much thereof as may be needed, is hereby authorized in the Sanitary-Fresh Water Market Rate Program Fund, Fund 6124, per the accounting codes in the attachment to this ordinance.

**SECTION 5.** That the Director of Public Utilities is hereby authorized to modify and increase the contract for the WWTFS Instrumentation and Control (I&C) Integration and Programming #3 project with CDM Smith, Inc., 445 Hutchinson Ave Ste. 820, Columbus, OH 43235, in an amount up to \$500,000.00, in accordance with the terms and conditions of the contract on file in the Department of Public Utilities.

**SECTION 6.** That the expenditure of \$500,000.00, or so much thereof as may be needed, is hereby authorized to pay for this contract per the accounting codes in the attachment to this ordinance.

**SECTION 7.** That upon obtaining other funds for the purpose of funding sanitary capital improvement work, the City Auditor is hereby authorized to repay the Sanitary Reserve Fund the amount transferred above (Section 3), and said funds are hereby deemed appropriated for such purposes.

**SECTION 8.** 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 \$500,000.00 (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 Sanitary Reserve Fund, Fund 6102, which is the fund from which the advance for costs of the Project will be made.

**SECTION 9.** Funds are hereby deemed appropriated and expenditures and transfers authorized to carry out the purposes of this ordinance and the City Auditor shall establish such accounting codes as necessary.

**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 City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account 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.

**SECTION 12.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.