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Legislation Details (With Text)

File #:	2907-2025 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	10/22/2025	**In control:**	Public Utilities & Sustainability Committee
On agenda:	11/24/2025	**Final action:**	11/26/2025
Title:	To authorize the Director of the Department of Public Utilities to enter into a planned contract modification for professional services with Burgess & Niple, Inc., to add additional funding for the O'Shaughnessy Dam 9th FERC Independent Consultant Review project; to authorize an amendment to the 2025 Capital Improvement Budget; to authorize the appropriation of funds in the Water - Fresh Water Market Rate Fund; and to authorize an expenditure of up to $565,903.00 from the Water - Fresh Water Market Rate Fund for the contract modification. ($565,903.00)		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. ORD 2907-2025 Burgess & Niple Inc Sec of State, 2. ORD 2907-2025 Determination Schedule 2A.1 Utilization Form, 3. ORD 2907-2025 Accounting Template		

Date	Ver.	Action By	Action	Result
11/26/2025	1	CITY CLERK	Attest	
11/25/2025	1	MAYOR	Signed	
11/24/2025	1	COUNCIL PRESIDENT	Signed	
11/24/2025	1	Columbus City Council	Approved	Pass
11/17/2025	1	Columbus City Council	Read for the First Time	

1. BACKGROUND

This ordinance authorizes the Director of the Department of Public Utilities to enter into a planned contract modification for professional services with Burgess & Niple, Inc. for the O'Shaughnessy Dam 9th FERC Independent Consultant Review project, CIP 690251-100002, in an amount up to $565,903.00 for the Division of Water.

This project will complete an Independent Consultant (IC) Periodic Inspection of O'Shaughnessy Dam per Federal dam safety regulatory requirements for hydropower facilities under 18 CFR Part 12D. The consultant will also complete a Security Assessment of O'Shaughnessy Dam, a Determination of the Probable Maximum Flood (PMF) of the facility, and, if needed, additional analysis or design of risk reduction measures based on the results of the Part 12D Inspection. The project is anticipated to consist of three phases: 1) IC Periodic Inspection, 2) PMF Determination, and 3) Detailed Design of identified risk reduction measures (if necessary). This planned modification will provide funding for Phase 2 of the work.

This work will primarily be performed in Columbus Community Area 99 - Citywide.

1.1 Amount of additional funds to be expended: $565,903.00.

Original Contract - IC Inspection $301,400.00 (PO425657, ORD 3345-2023)
Modification No. 1 - PMF Determination $565,903.00 (current)
CONTRACT TOTAL $867,303.00

1.2. Reason other procurement processes are not used

This is the first of two planned contract modifications to add funding for continued work as stated in Ordinance 3345-

2023. Another procurement process is not required.

1.3. How cost of modification was determined
Burgess & Niple, Inc. submitted a scope and fee showing expected hours required to complete the work based upon the established contract job titles, pay rates, and allowable expenses. The project team then negotiated the contract modification amount.

1.4. Timeline
This phase (Modification 1) for the PMF Determination is expected to have a duration of 18 months. The estimated end date of the agreement is third quarter 2027. The contract will be effective from the time the consultant is authorized to begin work on this contract until the Independent Consultant Review is complete and accepted by the City.

2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT
The O'Shaughnessy dam impounds a water supply reservoir that supports the Dublin Road Water Plant. The dam also contains a hydropower station that provides environmentally friendly and sustainable power to the City's Division of Power. As a hydropower capable facility, it falls under the jurisdiction of 18 CFR 12 - Safety of Hydropower facilities and is regulated by the Federal Energy Regulatory Commission (FERC). The Part 12D Independent Consultant Inspection is required for ongoing use and operation of the dam and power station. Additionally, an accurate and up to date PMF is necessary for future evaluations and analyses of the dam.

3. CONTRACT COMPLIANCE INFORMATION
The Burgess & Niple, Inc. contract compliance number is CC-004425 and expires 1/10/2026.

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

As part of their proposal, Burgess & Niple, Inc. has proposed the follow subcontractors will be used to perform contract work:

Company Name	City/State	ODI Certification
Applied Weather Associates	Monument, CO	MAJ
HDR Engineering Inc	Columbus, OH	MAJ

The certifications of above companies were in good standing at the time the bid was awarded.

4. FISCAL IMPACT
Funding for the O'Shaughnessy Dam 9th FERC Independent Consultant Review project ($565,903.00) will be obtained through the Ohio Water Development Authority (OWDA) Direct Loan Program. City Council authorized this loan application and acceptance of loan funding via Ordinance 0700-2025, passed by Council on March 31, 2025. This loan is expected to be approved at the December Board meeting.

The Ohio Water Development Authority Direct Loan Program is a reimbursement program. A purchase order will need to be established to Burgess & Niple, Inc. for this contract. Public Utilities will need to pay invoices directly to Burgess & Niple, Inc. and then submit reimbursement requests based upon these paid invoices to OWDA for OWDA to reimburse Public Utilities.

The 2025 Capital Improvement Budget will need to be amended to align budget authority with the proper project. Funds will need to be appropriated in the Water - Fresh Water Market Rate Fund, Fund 6014.

To authorize the Director of the Department of Public Utilities to enter into a planned contract modification for professional services with Burgess & Niple, Inc., to add additional funding for the O'Shaughnessy Dam 9th FERC Independent Consultant Review project; to authorize an amendment to the 2025 Capital Improvement Budget; to authorize the appropriation of funds in the Water - Fresh Water Market Rate Fund; and to authorize an expenditure of up

to $565,903.00 from the Water - Fresh Water Market Rate Fund for the contract modification. ($565,903.00)

WHEREAS, the Department of Public Utilities is engaged in the O'Shaughnessy Dam 9th FERC Independent Consultant Review project; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to enter into a planned modification of a professional services contract with Burgess & Niple, Inc. for the O'Shaughnessy Dam 9th FERC Independent Consultant Review project for the purpose of adding funding for the current phase of the project; and

WHEREAS, the 2025 Capital Improvements Budget must be amended to align budget authority with the proper project; and

WHEREAS, funds must be appropriated in the Water - Fresh Water Market Rate Fund, Fund 6014, and

WHEREAS, it is necessary to expend funds from the Water - Fresh Water Market Rate Fund, Fund 6014, to pay for work performed under this contract modification; **NOW, THEREFORE**,

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

SECTION 1. That the 2025 Capital Improvements Budget authorized by Ordinance 1790-2025 be amended as follows to establish sufficient budget authority for this project:

Fund / Project Number / Project Name (Funding Source) / Current Authority / Revised Authority / Change
6014 / 690251-100002 / O'Shaughnessy Dam 9th FERC Independent Consultant Review (OWDA Direct Loan) / $100,000.00 / $565,903.00 / $465,903.00 (To match loan amount)

SECTION 2. That the appropriation of $565,903.00, or so much thereof as may be needed, is hereby authorized in the Water - Fresh Water Market Rate Fund, Fund 6014, per the accounting codes in the attachment to this ordinance.

SECTION 3. That the Director of Public Utilities is authorized to enter into a contract modification with Burgess & Niple, Inc., 330 Rush Alley, Suite 700, Columbus, OH 43215, to add additional funding for the O'Shaughnessy Dam 9th FERC Independent Consultant Review project, in an amount up to $565,903.00, in accordance with the terms and conditions of the contract on file with the Department of Public Utilities.

SECTION 4. That this ordinance is contingent upon the OWDA Board approving a loan for this contract modification to the O'Shaughnessy Dam 9th FERC Independent Consultant Review project.

SECTION 5. That the expenditure of $565,903.00, or so much thereof as may be needed, is hereby authorized to pay for this contract modification per the accounting codes in the attachment to this ordinance.

SECTION 6. 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 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 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 9. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.