



Legislation Text

File #: 0201-2008, Version: 1

1. **BACKGROUND:**

A. **Need.** This legislation authorizes the Director of Public Utilities to modify the professional engineering services agreement with Burgess & Niple, Inc. for the Jackson Pike Wastewater Treatment Plant B-Plant Secondary Clarifier Upgrade project. The Burgess & Niple, Inc. modification amount requested under this ordinance is \$2,308,243.00. The contract total including this modification is \$6,588,685.00. The proposed contract modification provides funding for technical services now needed during construction. The potential need for the additional work was foreseen and so stated in the original contract's legislation, and is therefore a planned continuation of the services originally included within the existing contract's scope of service. It is not deemed either feasible or reasonable to suspend work with the entity currently under contract and undertake continuation of these services with another procurement. The cost of the modification is a continuation of the vendor's current pricing structure, as verified by City staff. 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.

B. **Contract Compliance No.:** 310885550/001 (MAJ) (Expires 01/09/2010)

C. **Emergency Designation:** The Division of Sewerage and Drainage is requesting City Council to designate this ordinance an emergency measure in order to allow for the immediate commencement of this work. This expediency is justified in order to fulfill the City's capital improvement project scheduling commitments set forth within the consent agreement between the City and the Ohio Attorney General's Office that addresses the City's wet weather wastewater overflows. These services are needed immediately and are required to begin simultaneously with the commencement of these construction contracts in order to provide professional services pursuant to the proper management and timely completion of the project.

2. **FISCAL IMPACT:**

Sufficient monies and authority are already present to cover the necessary expenditure. This legislation will authorize the expenditure of \$2,308,243.00 within the Sanitary Sewer Revenue Bonds Fund.

To authorize the Director of Public Utilities to execute a planned contract modification to the professional engineering services agreement with Burgess & Niple, Inc., for the Jackson Pike Wastewater Treatment Plant B-Plant Secondary Clarifier Upgrade project; to authorize the expenditure of \$2,308,243.00 within the Sanitary Sewer Revenue Bonds Fund, for the Division of Sewerage and Drainage; and to declare an emergency. (\$2,308,243.00).

WHEREAS, Contract No. EL005606 was authorized by Ordinance No. 0908-2005, as passed by Columbus City Council on July 25, 2005 for purposes of authorizing the Director of Public Utilities to enter into a contract for professional engineering services with Burgess and Niple, Inc. for the Jackson Pike Wastewater Treatment Plant B-Plant Secondary Clarifier Upgrade project; and

WHEREAS, it is necessary to modify the subject contract in order to provide additional funding for construction-phase engineering, start-up and commissioning assistance services now needed during construction of Contract J210 of the project construction; and

WHEREAS, it is necessary for City Council to approve the aforementioned necessary expenditure from the Sanitary Sewer Revenue Bonds Fund; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Sewerage and Drainage, Department of Public Utilities, in that it is immediately necessary authorize the Director of Public Utilities to modify the aforementioned professional

engineering services contract with Burgess & Niple, Inc., for purposes of funding the engineering services now needed for the Jackson Pike Wastewater Treatment Plant B-Plant Secondary Clarifier Upgrade project, in order to fulfill the City's capital improvement project scheduling commitments set forth within the consent agreement between the City and the Ohio Attorney General's Office that addresses the City's wet weather wastewater overflows and are required to begin simultaneously with the commencement of construction Contract J210, pursuant to the proper management and timely completion of the project construction, as well as for the immediate 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 be, and hereby is, authorized to modify Contract No. EL005606 with Burgess and Niple, Inc., 5085 Reed Road, Columbus, Ohio 43220, for professional engineering services for the Jackson Pike Wastewater Treatment Plant B-Plant Secondary Clarifier Upgrade Project, in accordance with the terms and conditions as shown in the contract modification on file in the office of the Division of Sewerage and Drainage.

Section 2. That for the purpose of paying the cost of the professional engineering services contract modification, the following expenditure, or as much thereof as may be needed, be and the same is hereby authorized as follows: Division 60-05; Fund 665; Jackson Pike Wastewater Treatment Plant B-Plant Secondary Clarifier Upgrade, Project No. 650245; Object Level 6678; OCA Code 665245; Amount \$2,308,243.00.

Section 3. That the said firm 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 City Auditor is hereby authorized 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 by monies from more than one source.

Section 5. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

Section 6. 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 7. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure which shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.