



## Legislation Text

File #: 1936-2017, Version: 1

**1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to modify an existing professional engineering agreement with Burgess & Niple, Inc. (Mod #3) for the Southerly Wastewater Treatment Plant (SWWTP) Chemically Enhanced Primary Treatment (CEPT)- Disinfection Project. This project is one of three (3) projects to provide Chemically Enhanced Primary Treatment (CEPT) at the Southerly Wastewater Treatment Plant (SWWTP), as approved by the Ohio Environmental Protection Agency. The CEPT facilities provide additional plant capacity to treat wet weather flows in excess of 330 Million Gallons Daily (MGD). This project will focus on upgrades and modifications to provide a new effluent conduit, disinfection chemical feed facilities, and all associated structures and site work to accommodate these facilities.

This project will focus on upgrades and modifications to provide a new effluent conduit, chemical feed facilities, and levee modifications. This is a contract for professional engineering design services and services during construction (Design Professional, or "DP" services) for the SWWTP CEPT, Disinfection.

It is estimated that the Construction portion of this project will require the need for these Engineering Services starting August 2017.

The overall contract duration, from initiation of Preliminary Design services, Detailed Design Phase and through completion of Services during Construction, is estimated to be 72 months. Burgess & Niple, Inc.'s services will continue beyond completion of construction to provide "as-built" record drawings of the constructed facilities.

The actual emplacement of the work will be by construction contract. This engineering contract provides detailed design and bidding assistance, along with construction-phase engineering, start-up and commissioning assistance, and record documentation preparation. Construction Management services are being performed by others.

**2. PROJECT MODIFICATION:**

**Amount of additional funds to be expended: \$1,880,000.00**

2.1 Original Contract	\$ 995,604.00
Modification # 1	\$ 2,245,142.00
Modification #2	\$ 365,454.00
Modification #3	\$1,880,000.00
<b>TOTAL</b>	<b>\$5,486,200.00</b>

An additional Modification (#4) is planned for late 2017 in the amount of \$825,177.00

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

This was a planned contract modification as indicated in the first contract modification request. This modification will fund the Engineering Services during Construction for Contract S89, CEPT Disinfection.

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

The consultant team is very familiar with the details of the project and has performed a multitude of tests, prepared a series of reports and documentation detailing their findings and recommendations, and have compiled the Preliminary Design Report, Detailed Design documents and Bidding documents. This contract was

anticipated to be funded in phases as indicated on the original authorized legislation. The process of selecting and contracting with a new consultant team at this time and having them start with data and reports prepared by another consultant would further delay the project and the design of major upgrades that will help the plant provide reliable service and preparedness for future regulatory changes or updates.

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

The Consultant prepared an estimate of cost for the remaining scope of work based on a series of meetings and defined task list. City Project management staff reviewed, provided input into the scope and the fees, and approved this cost proposal.

3. **PROJECT TIMELINE:** The preliminary design phase was completed in November 2015. Detailed Design and bidding services are completed. This modification will provide funding for the Engineering Services during Construction associated with this project. Legislation for a future contract modification request will be submitted to fund the balance of engineering services during construction for the next phase being designed, when that portion of work is bid for construction.

The overall contract duration, from initiation of Preliminary Design services, Detailed Design Phases and through completion of all Services during Construction, is estimated to be 72 months. Burgess & Niple, Inc.'s services will continue beyond completion of construction to provide "as-built" record drawings of the constructed facilities.

4. This company is not debarred according to the Federal Excluded Parties Listing or the State Auditor's Findings for Recovery Database.
5. **CONTRACT COMPLIANCE NO.:** 31-0885550 | MAJ | Exp. 02/04/2018 | Vendor #: 004425
6. **EMERGENCY DESIGNATION:** Emergency designation **IS REQUESTED** at this time in order to meet construction timelines and deliverable schedules
7. **ECONOMIC IMPACT:** This project will capture and treat wet weather flows in excess of the current plant capacity. Without this improvement, these wastewater flows would be conveyed, untreated, to the river. The addition of this treatment will remove solids from and disinfect the wastewater, which will provide protection of and benefit to the receiving waters.
- Public informational meetings are not anticipated for this project, all proposed work should be within the boundaries of the wastewater treatment facility. Regulatory agencies will be notified of the proposed work as appropriate.
8. **FISCAL IMPACT:** This ordinance authorizes the appropriation and transfer of \$1,880,000.00 from the Sanitary Sewer Reserve Fund 6102 to the Sanitary Sewer General Obligation (G.O.) Bond Fund 6109; to authorize the creation of sufficient budget authority; to authorize the expenditure of up to \$1,880,000.00 from the G.O. Bond Fund 6109. Monies for this contract from the Sanitary Sewer Reserve Fund will be provided from a future Bond Sale via the transfer detailed in this ordinance.

To authorize the Director of Public Utilities to modify an existing professional engineering agreement with Burgess & Niple, Inc. for the Southerly Wastewater Treatment Plant Chemically Enhanced Primary Treatment - Disinfection Project; to authorize the appropriation and transfer of \$1,880,000.00 from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation Fund; to authorize the expenditure of up to \$1,880,000.00 from the Sanitary Sewer General Obligation (G.O.) Bond Fund; and to declare an emergency. (\$1,880,000.00)

**WHEREAS**, Contract No. EL015880 with Burgess & Niple, Inc. was authorized by Ordinance No. 0968-2014, passed

by the Columbus City Council on June 09, 2014; and

**WHEREAS**, Contract No. EL017592 with Burgess & Niple, Inc. was authorized by Ordinance No. 1766-2015, passed by the Columbus City Council on September 28, 2015; and

**WHEREAS**, Contract No. PO032477 with Burgess & Niple, Inc. was authorized by Ordinance No. 2117-2016, passed by the Columbus City Council on September 19, 2016; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to modify and increase the existing contract; and

**WHEREAS**, this CEPT project will focus on upgrades and modifications to provide a new effluent conduit, disinfection chemical feed facilities, and all associated structures and site work to accommodate these facilities; and

**WHEREAS**, it is necessary to transfer funds from the Sanitary Sewer Reserve Fund to fund this project; and

**WHEREAS**, the City will sell notes or bonds to fund this project and will reimburse the Sanitary Sewer Reserve Fund; and

**WHEREAS**, this transfer should be considered a temporary funding method; and

**WHEREAS**, the aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$1,880,000; 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 (the "Project"); and

**WHEREAS**, it is necessary to authorize the expenditure of \$1,880,000.00 from the Sanitary Sewer System GO Bond Fund, Fund 6109; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately necessary to authorize the Director to modify and increase an existing professional engineering agreement with Burgess & Niple, Inc. for the SWWTP CEPT - Disinfection Project in order to meet project timelines and deliverable schedules for the construction phase of the project, 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 hereby authorized to modify (Mod #3) and increase an existing agreement with Burgess & Niple, Inc., 5085 Reed Road, Columbus, Ohio 43220 for the Southerly Wastewater Treatment Plant Chemically Enhanced Primary Treatment - Disinfection Project Mod #3 in accordance with the terms and conditions as shown in the agreement on file in the office of the Division of Sewerage and Drainage.

**SECTION 2.** That from the unappropriated monies in the Sanitary Sewer Reserve Fund No. 6102, 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, 2017, the sum of \$1,880,000.00 is hereby appropriated to the Division of Sewerage and Drainage per the attachment to this ordinance.

**SECTION 3.** That the City Auditor is hereby authorized to transfer and appropriate a total \$1,880,000.00 from the Sanitary Sewer Reserve Fund 6102 to the Sanitary Sewer Bond Fund 6109 for the SWWTP CEPT - Disinfection Project, 650367-100004, at such time as deemed necessary by the Auditor, or so much thereof as may be necessary as detailed in

the attachment to this ordinance.

**SECTION 4.** That the Director of Public Utilities is hereby authorized to expend up to \$1,880,000.00 for the SWWTP CEPT - Disinfection Project per the accounting codes detailed in the attachment to this ordinance.

**SECTION 5.** That the said firm, Burgess & Niple, 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 6.** 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 7.** 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 are no longer required for said project; except that no transfer shall be made from a project by monies from more than one source.

**SECTION 8.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 9.** 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 10.** That upon obtaining other funds for the purpose of funding sanitary sewer system capital improvement work, the City Auditor is hereby authorized to repay the Sanitary Sewer Reserve Fund 6102 the amount transferred above (Section 3), and said funds are hereby deemed appropriated for such purposes.

**SECTION 11.** 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 \$1,880,000.00 (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 the fund from which the advance for costs of the Project will be made.

**SECTION 12.** That for reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is declared to be an emergency measure and 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.