



## Legislation Text

**File #:** 1446-2020, **Version:** 1

### 1. BACKGROUND

This legislation authorizes the Chief Innovation Officer to enter into a professional services contract with Bytemark, Inc., hereafter referenced as Bytemark, in an amount of up to \$264,800.00 to become the Merchant of Record for the Smart Columbus Common Payment System (CPS) project which will process payments for the Smart Columbus Multi-Modal Trip Planning Application (MMTPA) project and provide incentives for participants.

The Smart City Challenge was a U.S. Department of Transportation (USDOT) grant program that sought to “create a fully integrated, first-of-its kind city that uses data, technology and creativity to shape how people and goods move in the future.” In 2016, the City of Columbus, acting through the Department of Public Service, applied for and won the Smart City Challenge, receiving a \$40 million dollar grant from USDOT and a \$10 million grant from the Paul G. Allen Family Foundation (Vulcan).

As part of Columbus’ overall response to the Smart City Challenge, efforts were focused on a system that will provide travelers with a single, common platform that integrates with the MMTPA, known as the CPS. The benefits of providing travelers with a centralized, account-based payment system are increased convenience and customer satisfaction as well as improved access to mobility options through integration with transportation providers. Travelers will be able to fund accounts using a variety of payment methods such as credit cards, debit cards, and cash via pre-paid debit cards or COTA Connector account. Users will be able to reload CPS accounts at point of sale retailers.

The Merchant of Record role is responsible for all payment transactions involving all mobility providers, parking providers, and CPS users. This was originally slated to be held by a Smart Columbus partner but through project development and contractual considerations, the team decided Bytemark would be a better fit. Bytemark is the lead sub-consultant for the Siemens team that is developing the CPS for Smart Columbus. Therefore, their existing and future relationship with the CPS project team allows for ongoing coordinated support in both design and operation of the project.

This contract will also allow for the administration of incentives to CPS users. These expenditures totaling \$64,800 have been approved by USDOT and will be reimbursed with Federal funds.

Due to the nature of the USDOT and Vulcan grant reimbursements, professional support for the Smart City Challenge Program will be awarded in annual funding phases. Additional contract modifications may occur throughout the four-year Smart City Challenge grant period. There are no current planned modifications to this contract.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Bytemark.

### 2. CONTRACT COMPLIANCE

The contract compliance number for Bytemark is CC030756 and expires May 29, 2022.

### 3. BID WAIVER

Bytemark is the lead sub-consultant for the Siemens Mobility, Inc. team that is developing the CPS for Smart Columbus. Bytemark is also responsible for keeping the CPS system operational, as part of the existing Siemens contract. Therefore, their existing and future relationship with the CPS project team allows for ongoing coordinated support in both design and operation of the project. Additionally, Bytemark is responsible for all payment transactions involving all mobility providers, parking providers and CPS users. Selecting another company will require additional expense for that company

to become familiar with the system Bytemark is heavily involved in designing for this function.

#### **4. FISCAL IMPACT**

There is a reimbursable budgeted expense of \$64,800.00 for this project within Fund 7768 (Smart City), Grant G591610 (2016 USDOT Smart City Award). These reimbursable funds will pay for incentives associated with the project. Funds are appropriated within Fund 7768, Grant G591610, Object Class 03.

The grant requires a City cost share participation. Funds in the amount of \$200,000 are available for this contract in the Street Construction and Repair Fund, Fund 2265. It is necessary to appropriate these funds.

#### **5. EMERGENCY DESIGNATION**

Emergency action is requested to meet the schedule agreed upon with the United States Department of Transportation and to prevent unnecessary delays in the Smart City Challenge deployment schedule.

To appropriate funds within the Street Construction Maintenance and Repair Fund; to waive the formal bidding requirements of the Columbus City Code; to authorize the City's Chief Innovation Officer to execute a professional services contract with Bytemark, Inc., relative to the Smart Columbus Common Payment System project; to authorize the expenditure of up to \$200,000.00 from the Street Construction Maintenance and Repair Fund and up to \$64,800.00 from the Smart City Grant Fund to pay for the contract; and to declare an emergency. (\$264,800.00)

**WHEREAS**, on December 7, 2015, the U.S. Department of Transportation (USDOT) announced the Smart City Challenge, a collaborative effort by the USDOT and Vulcan seeking to "create a fully integrated, first-of-its kind city that uses data, technology and creativity to shape how people and goods move in the future"; and

**WHEREAS**, on June 23, 2016, the City of Columbus bested six other finalists to be named the winner of the Smart City Challenge; and

**WHEREAS**, there is a need to enter into a professional services contract to provide the Smart Columbus Program Management Office (PMO) with a system that allows users to pay for multimodal trips and parking options from a single account, known as the Common Payment System (CPS); and

**WHEREAS**, it is necessary to waive the competitive bidding requirements of the Columbus City Code and enter into a contract with Bytemark in an amount of up to \$264,800.00 to provide professional services; and

**WHEREAS**, the contract will be funded with grant funding and a local cost share contribution; and

**WHEREAS**, it is necessary to approve use of funds in Fund 7768, Smart City Grant Fund, and within Fund 2265, the Street Construction Maintenance and Repair Fund, for this expenditure; and

**WHEREAS**, it is necessary to appropriate funds within Fund 2265, the Street Construction Maintenance and Repair Fund; and

**WHEREAS**, Ordinance Number 1901-2017 authorized the Public Service Director to transfer signature authority to the Chief Innovation Officer or the Chief Innovation Officer's designee for all past, present and future Smart Columbus, Smart City Challenge, Paul G. Allen Family Foundation contracts, documents, and projects; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service, Smart Columbus PMO, in that it is immediately necessary to authorize the Chief Innovation Officer to execute a contract with Bytemark authorizing the encumbrance and expenditure of requisite funding so as to prevent unnecessary delays in the Smart City Challenge deployment schedule, thereby preserving the public health, peace, property, safety and welfare; **now, therefore:**

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

**SECTION 1.** 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 ended December 31, 2020, the sum of \$200,000.00 is appropriated in Fund 2265 (Street Construction Maintenance and Repair Fund), Dept-Div 5901 (Director), in Object Class 03 (Purchased Services) per the account codes in the attachment to this ordinance.

**SECTION 2.** That Council finds it in the City's best interest to waive the competitive bidding provisions of City Code Chapter 329 for the Chief Innovation Office to enter into contract with Bytemark for Bytemark to become the Merchant of Record for the Smart Columbus Common Payment System (CPS) project.

**SECTION 3.** That the Chief Innovation Officer be and is hereby authorized to execute a contract with Bytemark Inc., One Pennsylvania Plaza, Suite 1100, New York, New York, 10119, in an amount of up to \$264,800.00 related to the Smart Columbus - Common Payment System project and incentives.

**SECTION 4.** That the expenditure of \$200,000.00, or so much thereof as may be necessary, is hereby authorized in Fund 2265 (Street Construction Maintenance and Repair Fund), Dept-Div 5901 (Director), in Object Class 03 (Purchased Services) per the accounting codes in the attachment to this ordinance.

**SECTION 5.** That the expenditure of \$64,800.00, or so much thereof as may be necessary, be and is hereby authorized in Fund 7768 (Smart City), Dept-Div 5912 (Division of Design and Construction), Grant G591610 (2016 USDOT Smart City Award), in Object Class 03 (Purchased Services), per the accounting codes in the attachment to this ordinance.

**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 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 Chief Innovation Officer administering said project that the project has been completed and the monies are no longer required for said project.

**SECTION 9.** 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 and shall take effect and be in force from and after its passage and approval by the Mayor, or 10 days after passage if the Mayor neither approves nor vetoes the same.