

**CITY OF COLUMBUS
BID WAIVER INFORMATION FORM**

TO ACCOMPANY LEGISLATION WHICH WAIVES ANY PROVISIONS OF COLUMBUS CITY CODES CHAPTER 329
(PLEASE LIMIT YOUR RESPONSE TO THIS SHEET)

1. Reasons for waiving City Code bid procedure:

- emergency breakdown causing unplanned need
- item to be purchased is of a perishable nature
- need to extend an existing contract
- there is not enough time to obtain formal bids to satisfy need
- non-price error on either the bidder's or the City's part in the bid proposal
- a new law or regulation requires immediate compliance
- other See Number 2 below.

2. Detailed explanation of reason (must be completed by division):

Bids for the Health Department Expansion Renovation project originally opened 8/31/22 by the Department of Finance and Management, Office of Construction Management. The project was not awarded due to bids coming in too high.

The project was re-bid on 11/7/22. An award was not made due to bidders' confusion of the MBE/WBE goal-assigned program.

The project was re-bid a second time on 6/5/23. The Department deemed the lowest bidder, 2K General Company, as the lowest, best, most responsive and responsible bidder.

On 11/14/2022, City Council passed Ordinance 3086-22 pertaining to the creation of the Community Benefits Agreement Advisory Committee. Part of the Committee's scope is to review construction, reconstruction, alteration, or renovation projects estimated to be equal to or greater than \$5,000,000.00.

Because the project was bid twice before the creation of the new Committee, the Department believed the project would be exempt from the review and approval process, however, this is not the case.

The Department is requesting a waiver of Chapter 378 of Columbus City Codes to allow the project to be awarded without the Committee's approval. The project is going on a year of not being awarded which is not fiscally prudent for unspent bond funds and for increased costs each time the project has been bid. Additionally, vendors have dedicated much time and resources to bid and re-bid through no fault of their own. Implications have been made that they would not bid a 4th time.

3. Informal procedure used: Formal bids were received.

- Telephone quotations
- Written quotations – The project was formally bid and opened through Bid Express on 8/31/22, 11/7/22, and 6/5/23.
- Negotiations

4. Informal bids received and prices for each: The following 3 formal bids were received on 6/5/23:

2K General Company	\$21,493,900.00
Elford, Inc.	\$21,806,437.00
Setterlin Building Company	\$23,156,676.00

ORD# 1990-2023

5. If lowest bid was not accepted, explain criteria for award:

It is the intent of the Department to award the contract to the lowest bidder, 2K General Company.

ORDINANCE #: 1990-2023

APPROVED BY: Authorized Approval on Corresponding Legislative File

DATE: 7/10/23
