



## Legislation Details (With Text)

**File #:** 0811-2024      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 3/13/2024      **In control:** Public Utilities & Sustainability Committee

**On agenda:** 4/29/2024      **Final action:** 5/1/2024

**Title:** To authorize the Director of the Department of Public Utilities to enter into a construction contract with Environmental Remediation Contractor LLC for the Merchant Road and R3 Property Demolition project; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize the transfer of cash and appropriation within the Water Bond Fund; and to authorize the expenditure of \$316,573.50 for the project. (\$316,573.50)

**Sponsors:**

**Indexes:** MBE Participation

**Code sections:**

**Attachments:** 1. ORD 0811-2024 Utilization 2, 2. ORD 0811-2024 Accounting Template

Date	Ver.	Action By	Action	Result
5/1/2024	1	CITY CLERK	Attest	
4/30/2024	1	MAYOR	Signed	
4/29/2024	1	COUNCIL PRESIDENT	Signed	
4/29/2024	1	Columbus City Council	Approved	Pass
4/15/2024	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND

This ordinance authorizes the Director of Public Utilities to enter into a construction contract with Environmental Remediation Contractor LLC for the Merchant Road and R3 Property Demolition, CIP #690607-100000, in an amount up to \$316,573.50.

The Merchant Road Quarry property is part of the overall Fourth Water Plant (FWP) site. The purpose of this project is to demolish structures and remove equipment at the Merchant Road Quarry and the Upground Reservoir R3 Property, including hazardous materials abatement and fuel tank removal. By undertaking these demolition and removal tasks, the project will not only mitigate potential environmental and safety risks, but also create a clean and conducive environment for future projects.

The Community Planning Area is 99 - Citywide, this project will service several Columbus Communities.

**TIMELINE:** All work shall be substantially complete within 150 calendar days of the Notice to Proceed, with the Final Completion to occur within 180 calendar days. The City anticipates issuing a Notice to Proceed in second quarter 2024.

### ESTIMATED COST OF PROJECT

The bid amount and proposed award amount is \$316,573.50, including a 15% construction contingency amount that will be utilized to fund needed and approved changes in the work. No contract modifications are anticipated at this time; however, construction exigency might later compel modification of this contract, if unforeseen difficulties are encountered.

Cost summary:

Original Contract	\$316,573.50
<u>Future Anticipated Needs</u>	<u>\$ 0.00</u>
CONTRACT TOTAL	\$316,573.50

**2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT**

The project to demolish unnecessary structures and remove equipment at the Merchant Road Quarry and the Upground Reservoir R3 Property brings economic benefits by clearing dilapidated structures and ensuring environmental safety through hazardous materials abatement and fuel tank removal.

**3. BID INFORMATION**

This project was formally advertised on the Vendor Services and Bid Express websites from 11/15/2023 through 12/20/2023. Two bids were received:

<u>Name</u>	<u>Bid Amount</u>	<u>City/State</u>	<u>Status</u>
MLS Construction Services LLC	\$ 127,926.00	Delaware, Ohio	MAJ
Environmental Remediation Contractor LLC	\$ 316,573.50	Columbus, Ohio	MAJ

The MLS Construction Services LLC bid was deemed non-responsive due to not being construction pre-qualified. The Environmental Remediation Contractor LLC's bid was then evaluated and deemed the lowest, best, most responsive bid.

Environmental Remediation Contractor LLC's certification was in good standing at the time of the contract award.

**4. CONTRACT COMPLIANCE INFORMATION**

Environmental Remediation Contractor LLC's contract compliance number is CC015330 and expires 12/20/25.

**5. MINORITY AND WOMAN OWNED BUSINESS ENTERPRISE & SMALL LOCAL BUSINESS ENTERPRISE PROGRAM**

This contract was bid with an anticipated City of Columbus MBE/WBE Program goal of 15% as assigned by the City's Office of Diversity and Inclusion (ODI). After ODI's review of the Utilization Plan and Good Faith Effort submitted by MLS Construction Services LLC, ODI deemed their bid non-responsive for not meeting the goal and for an insufficient Good Faith Effort.

The next low bidder, Environmental Remediation Contractor LLC, submitted a Utilization Plan that did not meet the 15% goal. After review of their Utilization Plan and other related information the contractor submitted with their bid response, ODI has approved an MBE/WBE Program goal of 1.68% for this contract. Failure by the contractor to meet this goal subjects the contractor to the Penalties for Non-Compliance as described in the bid documents for this contract.

As part of their proposal, Environmental Remediation Contractor LLC, has proposed the following subcontractor to perform contract work:

<u>Company Name</u>	<u>City/State</u>	<u>ODI Certification Status</u>
Hina Environmental Solutions, Inc.	Columbus, Ohio	MBE

The certification of the above company was in good standing at the time the bid was awarded.

**6. PRE-QUALIFICATION STATUS**

Environmental Remediation Contractor LLC and all subcontractors have met code requirements with respect to pre-qualification, pursuant to relevant sections of Columbus City Code Chapter 329.

**7. FISCAL IMPACT**

Funding in the amount of \$316,573.50 is available and appropriated within the Water Bond Fund, Fund 6006. An amendment to the 2023 Capital Improvement Budget is needed to align budget authority with the proper project. A

transfer of cash and appropriation between projects within the Water Bond Fund is needed to align cash and appropriation with the proper project.

To authorize the Director of the Department of Public Utilities to enter into a construction contract with Environmental Remediation Contractor LLC for the Merchant Road and R3 Property Demolition project; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize the transfer of cash and appropriation within the Water Bond Fund; and to authorize the expenditure of \$316,573.50 for the project. (\$316,573.50)

**WHEREAS**, the Department of Public Utilities is engaged in the Merchant Road and R3 Property Demolition project; and

**WHEREAS**, two bids for the Merchant Road and R3 Property Demolition project were received and opened on 12/20/23; and

**WHEREAS**, Environmental Remediation Contractor LLC was determined to be the lowest, responsive, and responsible bidder; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to enter into a construction services contract with Environmental Remediation Contractor LLC for the Merchant Road and R3 Property Demolition project; and

**WHEREAS**, the 2023 Capital Improvements Budget must be modified to align budget authority with the proper project; and

**WHEREAS**, it is necessary to transfer cash and appropriation between projects within the Water Bond Fund, Fund 6006, to align cash and appropriation with the proper project; and

**WHEREAS**, it is necessary to expend funds to pay for this project; **NOW, THEREFORE,**

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

**SECTION 1.** That the 2023 Capital Improvements Budget authorized by Ordinance 1711-2023 be amended as follows to establish sufficient budget authority for this project:

<u>Fund / Project Number / Project Name (Funding Source) / Current Authority / Revised Authority / Change</u>
6006 / 690554-100000 / Laboratory Upgrades (Voted Water Carryover) / \$811,735.00 / \$809,250.00 / (\$2,485.00)
6006 / 690511-100000 / HCWP Intake Structure & Low Head Dam Rehab (Voted Water Carryover) / \$944,847.00 / \$944,600.00 / (\$247.00)
6006 / P690607-100000 / Merchant Road and R3 Property Demolition (Voted Water Carryover) / \$491,942.00 / \$494,674.00 / \$2,732.00

**SECTION 2.** That the transfer of \$2,731.50, or so much thereof as may be needed, is hereby authorized within the Water Bond Fund, Fund 6006, per the account codes in the attachment to this ordinance.

**SECTION 3.** That the Director of the Department of Public Utilities is hereby authorized to enter into a construction services contract for the Merchant Road and R3 Property Demolition project with Environmental Remediation Contractor LLC, 370 N Eureka Avenue, Columbus, OH 43204-3720, in an amount up to \$316,573.50, in accordance with the terms and conditions of the contract on file in the Department of Public Utilities.

**SECTION 4.** That the expenditure of up to \$316,573.50, or so much thereof as may be needed, is hereby authorized from the Water Bond Fund, Fund 6006, per the accounting codes in the attachment to this ordinance.

**SECTION 5.** That 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 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 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 8.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.