



## Legislation Details (With Text)

**File #:** 3223-2023      **Version:** 1

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

**File created:** 11/9/2023      **In control:** Public Utilities Committee

**On agenda:** 12/4/2023      **Final action:** 12/7/2023

**Title:** To authorize the Director of Public Utilities to extend the agreement with Kurtz Brothers Central Ohio, LLC for the design, construction and operation of the Organic Waste Recovery and Reuse System Project; and to declare an emergency (\$0.00).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 3223-2023 - Information Sheet - Organic Waste Recovery and Reuse System.pdf

Date	Ver.	Action By	Action	Result
12/7/2023	1	CITY CLERK	Attest	
12/6/2023	1	ACTING MAYOR	Signed	
12/4/2023	1	COUNCIL PRESIDENT	Signed	
12/4/2023	1	Columbus City Council	Approved	Pass

This legislation authorizes the Director of Public Utilities to extend the contract for the Organic Waste Processing Agreement between the City of Columbus (City) and Kurtz Brothers Central Ohio, LLC (Kurtz).

This contract extension will be in effect from December 1, 2023 through November 30, 2024. This extension carries no fiscal implications and merely extends the existing contract:

**Fixed Rate Sewerage Sludge Processing Term:**

The contract continues a fixed rate fee of \$33.50 per wet ton of sewerage sludge processing for the duration of this contract (10 years + 5 year extension). This contract authorizes the transfer to the organic waste recovery and reuse system of up to 25,000 wet tons of sewerage sludge per year at this rate. This contract provides DOSD with an additional beneficial alternative use option for sewerage sludge.

**Log Grinding:**

The contract adds a provision to fund log grinding services utilizing funds originally intended for hauling incinerator ash as part of a beneficial reuse program at the City’s two wastewater treatment plants. Incinerator ash had been historically stored at the treatment plants in lagoons and land filled at considerable expense to DOSD. This program allowed for up to 5,000 tons of wastewater treatment incinerator ash a year to be removed and adapted for beneficial reuse at a rate of \$30.97 per ton, which was less than the land filing cost to the City. However, in 2015, the City ceased incineration of sewerage sludge, and thus incinerator ash generation, prior to the end of the contract.

**SUPPLIER:**

Kurtz Brothers Central Ohio, LLC | Federal EIN 20-3524137 | D365 Vendor #001253 | Expires 11/04/2024 | Kurtz Brothers Central Ohio, LLC does not hold MBE/WBE status.

The company is not debarred according to the Excluded Party Listing System of the Federal Government or prohibited from being awarded a contract according to the Auditor of State Unresolved Findings for Recovery Certified Search.

**FISCAL IMPACT:**

No fiscal impact

**EMERGENCY DESIGNATION:**

This ordinance is being submitted as an emergency in order to avoid a lapse in organic waste hauling services. Passage of non-emergency legislation would result in a gap between the end of the current contract iteration and the start of this proposed modification.

To authorize the Director of Public Utilities to extend the agreement with Kurtz Brothers Central Ohio, LLC for the design, construction and operation of the Organic Waste Recovery and Reuse System Project; and to declare an emergency (\$0.00).

**WHEREAS**, the City of Columbus is committed to providing environmentally friendly programs for the beneficial reuse of yard waste, sewerage sludge, fats, oils and greases, and other waste streams from the community, and is continuously searching for alternatives to landfill disposal and incineration; and

**WHEREAS**, the Division of Sewerage and Drainage, Department of Public Utilities, and the Solid Waste Authority of Central Ohio were desirous of establishing an organic waste recovery and reuse system (OWRRS) program to process municipal sewerage sludge, fats, oils, greases, food waste, animal waste, yard waste and other organic material; and

**WHEREAS**, the Solid Waste Authority of Central Ohio and the City of Columbus utilized the Request for Statement of Qualification competitive procurement provisions of Chapter 329 of the Columbus City Code for purposes of procuring a ten-year agreement for the design, construction and operation of the area's first organic waste recovery and reuse system, and determined Kurtz Brothers Central Ohio, LLC, to be the highest ranking offeror; and

**WHEREAS**, Ordinance No. 1270-2005, as passed by Columbus City Council on July 25, 2005, authorized the Director of Public Utilities to enter into an agreement on behalf of the City between Kurtz Brothers Central Ohio, LLC, and the Solid Waste Authority of Central Ohio for the design, construction and operation of an organic waste recovery and reuse system project to process municipal sewerage sludge, food waste, animal waste, yard waste and other organic material; and

**WHEREAS**, Ordinance No. 1442-2006, as passed by Columbus City Council on September 18, 2006, authorized the Director of Public Utilities to execute a contract modification on behalf of the City and the Solid Waste Authority of Central Ohio and Kurtz Brothers Central Ohio, LLC, to allow for the selection of an alternative site for the OWRRS facility, and to extend the deadline for the construction of said facility; and

**WHEREAS**, Ordinance No. 1268-2009, as passed by Columbus City Council on October 26, 2009, authorized the Director of Public Utilities to execute a contract modification on behalf of the City and the Solid Waste Authority of Central Ohio and Kurtz Brothers Central Ohio, LLC, to incorporate additional public-private partnerships for the development of beneficial reuse of wastewater treatment incinerator ash and provisions for moving the City's trucked waste disposal facility to the OWRRS site; and

**WHEREAS**, Ordinance No. 1519-2010 and annual ordinances in the years 2013-2016 were passed by Columbus City Council authorizing modifications to the contract on behalf of the City and the Solid Waste Authority of Central Ohio and Kurtz Brothers Central Ohio, LLC, to continue the development of beneficial reuse of wastewater treatment incinerator

ash and for moving the City's trucked waste disposal facility to the OWRRS site, and to incorporate additional public-private partnerships for the development of beneficial reuse of wastewater treatment sewerage sludge; and

**WHEREAS**, the City ceased incineration of sewerage sludge, and thus incinerator ash generation, at the Jackson Pike Wastewater or the Southerly Wastewater Treatment Plants in 2015; and

**WHEREAS**, Ordinance No. 2960-2017, as passed by Columbus City Council on December 4, 2017, authorized the Director of Public Utilities to extend the other provisions of the contract through November 30, 2018; and

**WHEREAS**, per mutual agreement of the parties, the services performed by Kurtz Brothers Central Ohio, LLC at the Trucked Waste Disposal Facility ceased on November 30, 2018 and the facility was relocated and the City assumed the responsibility previously performed by Kurtz on November 30, 2018; and

**WHEREAS**, Ordinance No. 3136-2018, as passed by Columbus City Council on December 10, 2018, authorized the Director of Public Utilities to extend the contract through November 30, 2019; and

**WHEREAS**, Ordinance No. 2888-2019, as passed by Columbus City Council on December 9, 2019, authorized the Director of Public Utilities to extend the contract through November 30, 2020, including providing the necessary funding for additional beneficial alternative use options for sewerage sludge generated by the City's two wastewater treatment plants, and for finalizing the beneficial reuse program for wastewater treatment incinerator ash; and

**WHEREAS**, Ordinance No. 2592-2020, as passed by Columbus City Council on December 7, 2020, authorized the Director of Public Utilities to extend the contract through November 30, 2021, including providing the necessary funding for additional beneficial alternative use options for sewerage sludge generated by the City's two wastewater treatment plants, finalizing the beneficial reuse program for wastewater treatment incinerator ash, and funding emergency processing services for organics; and

**WHEREAS**, Ordinance No. 2811-2021, as passed by Columbus City Council on December 6, 2021, authorized the Director of Public Utilities to extend the contract through November 30, 2022, including providing the necessary funding for additional beneficial alternative use options for sewerage sludge generated by the City's two wastewater treatment plants, finalizing the beneficial reuse program for wastewater treatment incinerator ash, and funding emergency processing services for organics; and

**WHEREAS**, Ordinance No. 2856-2022, as passed by Columbus City Council on December 12, 2022, authorized the Director of Public Utilities to extend the contract through November 30, 2023, including providing the necessary funding for additional beneficial alternative use options for sewerage sludge generated by the City's two wastewater treatment plants, finalizing the beneficial reuse program for wastewater treatment incinerator ash, and funding emergency processing services for organics; and

**WHEREAS**, Kurtz Brothers Central Ohio, LLC have determined it advantageous to enter into a contract modification to provide the necessary funding and time for the additional beneficial alternative use options for sewerage sludge generated by the City's two wastewater treatment plants; and

**WHEREAS**, the Solid Waste Authority of Central Ohio declined to renew the contract for the upcoming year; and

**WHEREAS**, the Division of Sewerage and Drainage wishes to extend the current contract with Kurtz Brothers Central Ohio, LLC for one (1) additional year from December 1, 2023 through November 30, 2024; and

**WHEREAS**, this extension will allow for the continuation of a fixed rate fee of \$33.50 per wet ton of sewerage sludge processed for the duration of this contract (10 years + 5 year extension ending in 2025), the transfer of up to 25,000 wet tons of sewerage sludge per year at this rate to the organic waste recovery and reuse system, and also provides DOSD with an additional beneficial alternative use option for sewerage sludge via log grinding services; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Sewerage and Drainage, in that it is immediately necessary to authorize the Director of Public Utilities to modify, increase and extend the current contract for an organic waste recovery and reuse system project on behalf of the City with Kurtz Brothers Central Ohio, LLC, in order to avoid a lapse in organic waste hauling services, all for the immediate preservation of the public health, peace, property, safety and welfare; and **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 extend the contract with the Kurtz Brothers Central Ohio, LLC, 6055 C Westerville Road, PO Box 207, Westerville, OH 43081, for the design, construction and operation of an organic waste recovery and reuse system, to and including November 30, 2024.

**SECTION 2.** That this extension is in accordance with the relevant provisions of Chapter 329 of City Code.

**SECTION 3.** 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 4.** 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 ten days after passage if the Mayor neither approves nor vetoes the same.