



## Legislation Details (With Text)

**File #:** 0959-2009      **Version:** 1

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

**File created:** 6/26/2009      **In control:** Utilities Committee

**On agenda:** 7/13/2009      **Final action:** 7/14/2009

**Title:** To authorize the Director of Public Utilities to modify and increase the construction contract with Complete General Construction Company due to unforeseen conditions found during construction on the West 5th Avenue Underpass Stormwater System Improvements Project, for the Division of Sewerage and Drainage; to authorize the transfer of \$72,783.00 within the Storm Sewer Bond Fund; to amend the 2009 Capital Improvements Budget to authorize the expenditure of \$72,783.00 within the Storm Sewer Bonds Fund.; and to declare an emergency. (\$72,783.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0959-2009 MAP.pdf, 2. CIP 610846 Director's Legislation Information Sheet CM No. 2.pdf

Date	Ver.	Action By	Action	Result
7/14/2009	1	MAYOR	Signed	
7/14/2009	1	CITY CLERK	Attest	
7/13/2009	1	Columbus City Council	Approved	Pass
7/13/2009	1	COUNCIL PRESIDENT	Signed	
7/2/2009	1	CITY ATTORNEY	Reviewed and Approved	
7/2/2009	1	Utilities Drafter	Sent to Clerk's Office for Council	
7/1/2009	1	Utilities Drafter	Sent for Approval	
7/1/2009	1	EBOCO Reviewer	Sent for Approval	
7/1/2009	1	ODI DIRECTOR	Reviewed and Approved	
7/1/2009	1	Utilities Drafter	Sent for Approval	
7/1/2009	1	Auditor Reviewer	Reviewed and Approved	
7/1/2009	1	CITY AUDITOR	Reviewed and Approved	
7/1/2009	1	Utilities Drafter	Sent for Approval	
6/30/2009	1	UTILITIES DIRECTOR	Reviewed and Approved	
6/30/2009	1	Utilities Drafter	Sent for Approval	
6/30/2009	1	Finance Reviewer	Reviewed and Approved	
6/30/2009	1	Finance Reviewer	Sent for Approval	
6/30/2009	1	FINANCE DIRECTOR	Reviewed and Approved	
6/29/2009	1	Utilities Reviewer	Reviewed and Approved	
6/29/2009	1	Utilities Drafter	Sent for Approval	
6/29/2009	1	Utilities Reviewer	Reviewed and Approved	

6/29/2009	1	Utilities Reviewer	Reviewed and Approved
6/26/2009	1	Utilities Drafter	Sent for Approval

**BACKGROUND:** This Ordinance authorizes the Director of Public Utilities to modify and increase the construction contract with Complete General Construction Company for the West 5th Avenue Underpass Stormwater System Improvements Project, for the Division of Sewerage and Drainage. This modification is required due as a result of insufficient original force account to compensate the Contractor for the work performed at the City's request which were outside the original contract scope. Such work was necessitated by changed site conditions unknown at the time of the project bidding. This will be the final contract modification to close out this contract.

The contract modification consists of relocation of the concrete box necessitated by a conflict with an AT&T ductbank, ex. 42" water line which had to be depressurized while maintaining services (not originally planned), additional derrick stones placed at the outlet to Olentangy River, and miscellaneous traffic signal work at the Olentangy River Road and Fifth Ave. intersection which had to be implemented to better respond to traffic patterns.

**1. Amount of additional funds to be expended: \$72,783.00**

Original Contract Amount: \$1,281,254.04

Modification No. 01: \$90,000.00

Amount of original contract, Mod. No. 01 and this modification: \$1,444,037.04

**2. Reasons additional goods/services could not be foreseen:**

Unknown site conditions included relocation of the concrete box necessitated by a conflict with an AT&T ductbank, ex. 42" water line which had to be depressurized while maintaining services (not originally planned), additional derrick stones placed at the outlet to Olentangy River, and miscellaneous traffic signal work at the Olentangy River Road and Fifth Ave. intersection which had to be implemented to better respond to traffic patterns.

**3. Reason other procurement processes are not used:**

The out of scope work was performed during the course of the original contract as an integral part of the in-scope work.

**4. How cost of modification was determined:**

The Mod amount was determined by tallying costs of all actual items of work within the original contract scope which were completed, adding costs of quantity overruns, subtracting costs of quantity underruns, and adding costs of new work. The resulting amount was then subtracted from the costs from the original Contract plus Modification No. 1 amount.

**Contract Compliance Information:** 31-4366382, expires 01/30/2010, Majority

**Emergency Designation:** It is requested that this Ordinance be handled in an emergency manner so the contract can be immediately compensated for these additional costs.

**FISCAL IMPACT:** This legislation includes a transfer within the Storm Sewer Bonds Fund to provide sufficient funding for the project, as well as an amendment to the 2009 Capital Improvements Budget to provide sufficient budget authority.

To authorize the Director of Public Utilities to modify and increase the construction contract with Complete General Construction Company due to unforeseen conditions found during construction on the West 5th Avenue Underpass Stormwater System Improvements Project, for the Division of Sewerage and Drainage; to authorize the transfer of \$72,783.00 within the Storm Sewer Bond Fund; to amend the 2009 Capital Improvements Budget to authorize the expenditure of \$72,783.00 within the Storm Sewer Bonds Fund.; and to declare an emergency. (\$72,783.00)

**WHEREAS,** Contract No. EL006729 was authorized by Ordinance No. 2006-2006, passed December 11, 2006, was executed on December 18, 2006, and was approved by the City Attorney on December 22, 2006; and

**WHEREAS,** Contract No. EL008498 was authorized by Ordinance No. 1088-2008, passed July 21, 2008, was executed on July 30,

2008, and was approved by the City Attorney on August 05, 2008; and

**WHEREAS**, the contract needs to be modified due to unforeseen conditions found during construction; and

**WHEREAS**, it is necessary to transfer money within the Storm Sewer Bond Fund for the West 5<sup>th</sup> Avenue Underpass Stormwater System Improvements Project; and

**WHEREAS**, it is necessary to authorize an amendment to the 2009 Capital Improvements Budget for purposes of providing sufficient funding and spending authority for the aforementioned project expenditure; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Sewerage and Drainage, to modify and increase the existing contract with Complete General Construction Company due to unforeseen conditions found during construction on the West 5th Avenue Underpass Stormwater System Improvements 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 City Auditor is hereby authorized to transfer \$72,783.00 within the Storm Sewer Bonds Fund, Fund 685, Division of Sewerage and Drainage, Division 60-15, Object Level One 06, Object Level Three 6682, as follows:

**TRANSFER FROM:**

<u>Project/OCA</u>	<u>Project Name (Amount)</u>
610736:685736	Glendower/Llewellyn SSI (-\$72,783.00)

**TRANSFER TO:**

<u>Project/OCA</u>	<u>Project Name (Amount)</u>
610846:685846	West 5 <sup>th</sup> Avenue Underpass SSI (+\$72,783.00)

**SECTION 2.** That the City Auditor is hereby authorized and directed 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 no longer required for said project; except that no transfer shall be made from a project account by monies from more than one source.

**SECTION 3.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 4.** 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 5.** That the Director of Public Utilities is hereby authorized and directed to modify and increase the existing construction contract with Complete General Construction Company due to unforeseen conditions found during construction on the West 5th Avenue Underpass Stormwater System Improvements Project, in the amount of \$72,783.00

**SECTION 6.** That this contract modification is in compliance with Section 329.16 of Columbus City Codes, 1959.

**SECTION 7.** That said Construction Company shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

**SECTION 8.** That to pay the cost of the aforesaid contract modification, the expenditure of \$72,783.00, or so much thereof as may be needed, is hereby authorized from the Storm Sewer Bonds Fund, Fund No. 685, Division No. 60-15, Project 610846, OCA 685846, Object Level One 06, Object Level Three 6621.

**SECTION 9.** That the 2009 Capital Improvements Budget Ordinance No. 0806-2009 is hereby amended as follows, to provide sufficient budget authority for the execution of the construction contract stated in Section 6 herein:

<u>Proj. No.</u>	<u>Proj. Name</u>	<u>Current Authority</u>	<u>Revised Authority</u>	<u>(Amount of Change)</u>
610736-100000	Glendower/Llewellyn SSI	\$140,446	\$67,663	(-\$72,783)

<u>Proj. No.</u>	<u>Proj. Name</u>	<u>Current Authority</u>	<u>Revised Authority</u>	<u>(Amount of Change)</u>
610846-100000	West 5 <sup>th</sup> Avenue Underpass SSI	\$0	\$72,783	(+\$72,783)

**SECTION 10.** 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 its passage if the Mayor neither approves nor vetoes the same.