



## Legislation Details (With Text)

**File #:** 1767-2010      **Version:** 1

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

**File created:** 11/23/2010      **In control:** Utilities Committee

**On agenda:** 12/13/2010      **Final action:** 12/16/2010

**Title:** To authorize the Director of Public Utilities to enter into a construction contract with Siemens Water Technologies Corporation in accordance with the sole source provisions of the Columbus City Code, in connection with the Jackson Pike Wastewater Treatment Plant Digester Cover Rehabilitation project; to authorize the appropriation and transfer of \$1,224,000.00 from the Sanitary Sewer Reserve Fund; to authorize the expenditure of said funds from the Ohio Water Pollution Control Loan Fund for the Division of Sewerage and Drainage and to declare an emergency. (\$1,224,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Siemens Sole Source Form 11-22-10.pdf, 2. AWARD DRAFT LEGISLATION B 11-22-10 Updated.pdf, 3. Sub-Contractor WIF 650250-100003 JPWWTP Digester Cover Rehab.pdf

Date	Ver.	Action By	Action	Result
12/16/2010	1	CITY CLERK	Attest	
12/14/2010	1	MAYOR	Signed	
12/13/2010	1	Columbus City Council	Approved	Pass
12/13/2010	1	COUNCIL PRESIDENT	Signed	
12/6/2010	1	ODI DIRECTOR	Reviewed and Approved	
12/6/2010	1	Utilities Drafter	Sent to Clerk's Office for Council	
12/3/2010	1	Utilities Drafter	Sent for Approval	
12/3/2010	1	CITY ATTORNEY	Reviewed and Approved	
12/3/2010	1	Utilities Drafter	Sent for Approval	
12/3/2010	1	EBOCO Reviewer	Sent for Approval	
12/2/2010	1	Finance Reviewer	Reviewed and Approved	
12/2/2010	1	Finance Reviewer	Reviewed and Approved	
12/2/2010	1	Finance Reviewer	Reviewed and Approved	
12/2/2010	1	FINANCE DIRECTOR	Reviewed and Approved	
12/2/2010	1	Utilities Drafter	Sent for Approval	
12/2/2010	1	Auditor Reviewer	Reviewed and Approved	
12/2/2010	1	CITY AUDITOR	Reviewed and Approved	
12/1/2010	1	City Clerk's Office	Sent back for Clarification/Correction	
12/1/2010	1	Utilities Drafter	Sent for Approval	
12/1/2010	1	Utilities Reviewer	Reviewed and Approved	

12/1/2010	1	Utilities Drafter	Sent for Approval
12/1/2010	1	Utilities Reviewer	Sent for Approval
12/1/2010	1	UTILITIES DIRECTOR	Reviewed and Approved
12/1/2010	1	Utilities Drafter	Sent for Approval
11/30/2010	1	Utilities Drafter	Sent for Approval
11/30/2010	1	Utilities Reviewer	Reviewed and Approved
11/30/2010	1	Utilities Drafter	Sent for Approval
11/30/2010	1	Utilities Reviewer	Reviewed and Approved

1. **BACKGROUND:**

**A. Need.** This legislation authorizes the Director of Public Utilities to enter into a construction contract with Siemens Water Technologies Corporation, for the Jackson Pike Wastewater Treatment Plant Digester Cover Rehabilitation project for the Division of Sewerage and Drainage. These digester covers are part of the biogas (methane) handling system at the wastewater treatment plant. This is the third and final phase of a three-part program to rehabilitate five of the covers and six control systems. The existing Dystor digester covers are near the end of their useful lives and are beginning to experience leakage of flammable biogas. The leaks now render the systems inoperable as designed. These improvements are necessary to provide reliability and continued operational performance for this vital treatment process.

The proposed construction contract with Siemens Water Technologies Corporation is for Contract J214. This contract work consists of replacing the Dystor air and gas membrane covers, rehabilitating the concrete structure and piping systems for Digester No. 3, and replacing the Dystor digester cover control system on Digesters Nos. 3 and 4, along with providing training for the plant personnel to operate the new control system.

This ordinance is being submitted in accordance with the provisions of Sole Source procurement of the Columbus City Code Section 329.07.

This company is not debarred according to the Federal excluded parties listing or prohibited from being awarded a contract according to the Auditor of State unresolved findings for recovery certified search.

**B. Supplier:** Siemens Water Technologies Corporation

**C. Contract Compliance No.:** 04-3063901 | MAJ | (Expires 12/23/2010)

**D. Emergency Designation:** Emergency designation is being requested so that construction can commence at the earliest date possible and that there be no interruptions in the project timeline.

2. **FISCAL IMPACT:**

This ordinance authorizes the appropriation, transfer and expenditure of \$1,224,000.00 from the Sewer System Reserve Fund to the Water Pollution Control Loan Fund to fund this project. This is a temporary measure that is required until such time as the Department is able to execute a WPCLF loan agreement with the Ohio EPA and the Ohio Water Development Authority (OWDA) and reimburse the Sewer System Reserve Fund. The loan award is tentatively scheduled for the December 9, 2010 OWDA board meeting.

To authorize the Director of Public Utilities to enter into a construction contract with Siemens Water Technologies Corporation in accordance with the sole source provisions of the Columbus City Code, in connection with the Jackson Pike Wastewater Treatment Plant Digester Cover Rehabilitation project; to authorize the appropriation and transfer of \$1,224,000.00 from the Sanitary Sewer Reserve Fund; to authorize the expenditure of said funds from the Ohio Water Pollution Control Loan Fund for the Division of Sewerage and Drainage and to declare an emergency. (\$1,224,000.00)

**WHEREAS,** the Division of Sewerage and Drainage has embarked on a program to replace these digester covers and their control

systems; and

**WHEREAS**, the Ohio Water Development Authority (OWDA) is scheduled to approve a loan to the City of Columbus on December 9, 2010, in the amount of \$1,224,000.00 identified as Ohio EPA Loan Number CS390274-0136 to provide financing for the above listed project with eligible costs including the construction contract and contingency; and

**WHEREAS**, the Division of Sewerage and Drainage engineering personnel have determined it necessary to enter into a construction contract with Siemens Water Technologies Corporation, in order to provide for construction of Jackson Pike Wastewater Treatment Plant Digester Cover Rehabilitation project, Contract J214; and

**WHEREAS**, this ordinance is being submitted pursuant to the sole source provisions of Columbus City Code Section 329, and

**WHEREAS**, it is immediately necessary to both appropriate funds from the Sanitary Sewer Reserve Fund 654 and to authorize the transfer of said funds into the Water Pollution Loan Fund 666, in order to temporarily fund the construction contract expenditure, until such time as the City is able to execute a WPCLF loan agreement for the above stated purpose and reimburse the Sanitary Sewer Reserve Fund; and

**WHEREAS**, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the construction of the Project described in this Ordinance (collectively, the "Project"); and

**WHEREAS**, the aggregate principal amount which the City will issue to finance this phase of the project is presently expected not to exceed \$1,224,000.00; and

**WHEREAS**, it is necessary for City Council to authorize the expenditure of funds from the Water Pollution Control Loan Fund 666; and

**WHEREAS**, the Division of Sewerage and Drainage, Department of Public Utilities is requesting that this Council authorize the Director of Public Utilities to enter into a construction contract with Siemens Water Technologies Corporation for the Jackson Pike Wastewater Treatment Plant Digester Cover Rehabilitation project, at the earliest practical date; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Utilities, in that it is immediately necessary to enter into a construction contract with Siemens Corp for the immediate preservation of the public health, peace, property and safety; now, therefore

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

**Section 1.** That the Director of Public Utilities be, and hereby is, authorized to enter into a contract with Siemens Water Technologies Corporation, 1901 South Prairie Avenue, Waukesha, Wisconsin 53189, for construction of the Jackson Pike Wastewater Treatment Plant Digester Cover Rehabilitation project in accordance with the terms and conditions as shown on the contract on file in the office of the Division of Sewerage and Drainage.

**Section 2.** The Ohio Water Development Authority (OWDA) is tentatively scheduled to approve a loan to the City of Columbus on December 9, 2010 to provide financing for the construction contract.

**Section 3.** That from the unappropriated monies in the Sanitary Sewer Reserve Fund 654, and from all estimated to come into the said fund from any and all sources, and unappropriated for any other purpose during the fiscal year ending December 31, 2010, the sum of \$1,224,000.00 is hereby appropriated to the Division of Sewerage and Drainage as follows:

Division 60-05 | Fund 654 | Object Level 10 | Object Level Three 5502 | OCA 901654

**Section 4.** That the City Auditor is hereby authorized to transfer \$1,224,000.00 to the Ohio Water Development Authority (OWDA) Loan Fund, Fund 666, into the appropriate project accounts as specified with Section 4 herein, at such time as deemed necessary and to expend said funds, or so much thereof as may be necessary

**Section 5.** That for the purpose of paying the cost of the Ohio Water Development Authority (OWDA) Fund Eligible Items within the

aforementioned contract, the following expenditure, or as much thereof as may be needed, is hereby authorized as follows: Fund No. 666, Dept/Div. No. 60-05, Project: 650250-100003 | OCA Code 662503 | Object Level One 10 | Object Level Three 6630 | Amount \$1,224,000.00.

**Section 6.** That this ordinance be in compliance with the Sole Source Provisions of Section 329.07 (e) of the Columbus City Codes.

**Section 7.** That said construction company, Siemens Water Technologies Corporation 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 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 9.** 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 10.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**Section 11.** That for the reasons stated in the preamble hereto, where is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure, which 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.