



## Legislation Details (With Text)

**File #:** 1427-2024      **Version:** 1

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

**File created:** 5/9/2024      **In control:** Public Utilities & Sustainability Committee

**On agenda:** 6/24/2024      **Final action:** 6/26/2024

**Title:** To authorize the Director of Public Utilities to enter into a construction contract with Claypool Electric, Inc., for the Southerly Waste Water Treatment Plant Southwest Switching Station Switchgear Replacement project; to authorize an amendment to the 2023 Capital Improvement Budget; to appropriate funds within the Sanitary Revolving Loan Fund; to make this ordinance contingent upon the Ohio Water Development Authority approving a loan for this project; to authorize the expenditure of up to \$3,271,860.00 from the Sanitary Revolving Loan Fund and the Sanitary Bond Fund to pay for the project; and to declare an emergency. (\$3,271,860.00)

**Sponsors:**

**Indexes:** WBE Participation

**Code sections:**

**Attachments:** 1. ORD 1427-2024 Accounting Template, 2. ORD 1427-2024 Utilization

Date	Ver.	Action By	Action	Result
6/26/2024	1	CITY CLERK	Attest	
6/26/2024	1	CITY CLERK	Attest	
6/25/2024	1	MAYOR	Signed	
6/24/2024	1	COUNCIL PRESIDENT	Signed	
6/24/2024	1	COUNCIL PRESIDENT	Signed	
6/24/2024	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

This ordinance authorizes the Director of Public Utilities to enter into a construction contract with Claypool Electric, Inc., via the City’s Invitation for Bid process for the Southerly Waste Water Treatment Plant (SWWTP) Southwest Switching Station Switchgear Replacement project, CIP #650260-103013, in an amount up to \$3,269,860.00; and to encumber funds with the Department of Public Service for construction prevailing wage services in an amount up to \$2,000.00, for a total expenditure of \$3,271,860.00.

The switchgear in the Southwest Switching Station of the Southerly Waste Water Treatment Plant had a catastrophic failure. Some of the switchgear has been temporarily bypassed to allow for continued operation of the plant. This contract will replace the 15kV switchgear and associated electrical cables to allow the plant to return to normal operations. This project will also upgrade the HVAC system to account for the additional heat load from the new switchgear.

The Community Area for this ordinance will be 64, Far South.

**TIMELINE:** Notice to proceed for construction is anticipated to be on or around August 12, 2024. Contract work is required to be completed and delivered to the installation contractor by August 12, 2026.

**ESTIMATED COST OF PROJECT:** The bid amount and proposed award amount is \$3,269,860, including a 10% 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	\$ 3,269,860.00
Future Anticipated Needs	\$ 0.00
Prevailing Wage Services	\$ 2,000.00
CONTRACT TOTAL	\$ 3,271,860.00

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

The switchgear in the Southwest Switching Station had a catastrophic failure. Some of the switchgear has been temporarily bypassed to allow for continued operation of the plant. This project will replace this switchgear to return the plant to normal operations.

**3. CONSTRUCTION CONTRACT AWARD**

An Invitation for Bids for the SWWTP Southwest Switching Station Switchgear Replacement project was advertised on the Vendor Services and Bid Express websites from 02/21/24 through 03/27/24. One bid was received for the project and was opened on 03/27/24. The following company submitted a bid:

<u>Company</u>	<u>Bid Amount</u>	<u>Compliance Number</u>	<u>ODI Status</u>
1. Claypool Electric, Inc.	\$3,269,860.00	CC004366	WBE

The Claypool Electric, Inc. bid was deemed the lowest, best, most responsive and responsible bid in the amount of \$3,269,860.00.

**4. CONTRACT COMPLIANCE INFORMATION**

Claypool Electric, Inc.'s contract compliance number is CC004366 and expires 2/28/26.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Claypool Electric, Inc.

**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 10% as assigned by the City's Office of Diversity and Inclusion (ODI). Claypool Electric, Inc. is a certified WBE with the City of Columbus. After ODI's review of the Utilization Plan and other related information the contractor submitted with their bid response, ODI has approved an MBE/WBE Program goal of 10% for this contract. Failure by the contractor to meet this goal subjects the contractor to the Penalties for Non-Compliance as described in the "City's Minority and Women-Owned Business Enterprise & Small Local Business Enterprise Program Manual" and in the bid documents for this contract.

Claypool Electric, Inc. listed the following company as a subcontractor for this project:

<u>Company Name</u>	<u>City/State</u>	<u>ODI Certification Status</u>
General Temperature Control, Incorporated	Canal Winchester, Ohio	MAJ

The certification of Claypool Electric, Inc., and the above company was in good standing at the time the bid was awarded.

**6. PRE-QUALIFICATION STATUS**

Claypool Electric, Inc. 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**

The construction portion of this project is anticipated to be financed with a loan from the Water Pollution Control Loan Fund (WPCLF), a program jointly administered by the Ohio EPA's Division of Environmental and Financial Assistance and the Ohio Water Development Authority (OWDA). City Council authorized this loan application and acceptance of funding via Ordinance 2767-2023, passed by Council on 10/30/23. This loan is expected to be approved at the OWDA June Board meeting. This ordinance is contingent upon the loan being approved by OWDA. The Department of Public Utilities will inform the Auditor's Office when this loan has been approved.

Funding in the amount of \$2,000.00 is appropriated and available within the Sanitary Bond Fund, Fund 6109, to pay the Department of Public Service to provide prevailing wage services for this project. An amendment to the 2023 Capital Improvement Budget is necessary to align budget authority with the proper project.

## **6. EMERGENCY DESIGNATION**

Emergency designation is requested for this ordinance. The Southwest Switching Station suffered a catastrophic failure which knocked out power to most of the Southerly Wastewater Treatment Plant. Due to this failure, one side of the switchgear is no longer usable and the plant has a temporary wiring system in place to allow for normal plant operations. We are requesting emergency legislation for this project due to the critical and temporary nature of the current wiring and the extended lead time on this type of electrical equipment.

To authorize the Director of Public Utilities to enter into a construction contract with Claypool Electric, Inc., for the Southerly Waste Water Treatment Plant Southwest Switching Station Switchgear Replacement project; to authorize an amendment to the 2023 Capital Improvement Budget; to appropriate funds within the Sanitary Revolving Loan Fund; to make this ordinance contingent upon the Ohio Water Development Authority approving a loan for this project; to authorize the expenditure of up to \$3,271,860.00 from the Sanitary Revolving Loan Fund and the Sanitary Bond Fund to pay for the project; and to declare an emergency. (\$3,271,860.00)

**WHEREAS**, the Department of Public Utilities is engaged in the SWWTP SW Switching Station Switchgear Replacement project; and

**WHEREAS**, one bid for the SWWTP SW Switching Station Switchgear Replacement Sewer Rehab project was received and opened on 03/27/24; and

**WHEREAS**, the lowest, best, most responsive and responsible bid was from Claypool Electric, Inc.; and

**WHEREAS**, Ordinance 2767-2023 authorized this project to be funded by a loan to be obtained through the Water Pollution Control Loan Fund (WPCLF) Loan Account; and

**WHEREAS**, this ordinance is contingent upon that loan being approved; and

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

**WHEREAS**, funds must be appropriated within the Sanitary Revolving Loan Fund, Fund 6111; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to enter into a construction contract with Claypool Electric, Inc. for the Public Sanitary Sewers for SWWTP SW Switching Station Switchgear Replacement Sewer Rehab project; and

**WHEREAS**, it is necessary to authorize an expenditure of funds from the Sanitary Revolving Loan Fund to pay for the project; and

**WHEREAS**, it is necessary to expend funds from the Sanitary Bond Fund to provide for payment of prevailing wage services associated with said project; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is

immediately necessary to authorize the Director to enter into a construction contract with Claypool Electric, Inc., due to a catastrophic failure of the switchgear and the temporary nature of the current wiring, 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 2023 Capital Improvement Budget authorized by Ordinance 1711-2023 be amended as follows to establish sufficient budget authority for this project:

**Fund / Project Number / Project Name (Funding Source) / Current Authority / Revised Authority / Change**  
6111 / 650260-103013 / SWWTP SW Switching Station Switchgear Replacement (WPCLF/OWDA Loan) / \$2,487,769.00 / \$3,269,860.00 / \$782,091.00 (To match the loan amount)

6109 / 650260-103000 / SWWTP Small Capital Projects (Voted Sanitary Carryover) / \$249,050.00 / \$247,050.00 / (\$2,000.00)

6109 / 650260-103013 / SWWTP SW Switching Station Switchgear Replacement (Voted Sanitary Carryover) / \$266,048.00 / \$268,048.00 / \$2,000.00

**SECTION 2.** That the appropriation of \$3,269,860.00, or so much thereof as may be needed, is hereby authorized in the Sanitary Revolving Loan Fund, Fund 6111, per the accounting codes in the attachment to this ordinance.

**SECTION 3.** That the Director of Public Utilities is hereby authorized to enter into a construction contract for the Public Sanitary Sewers for SWWTP SW Switching Station Switchgear Replacement Sewer Rehab project with Claypool Electric, Inc., 1275 Lancaster-Kirkersville Rd., Lancaster, OH 43130, in an amount up to \$3,269,860.00; in accordance with the terms and conditions of the contract on file in the Department of Public Utilities; and to obtain the necessary prevailing wage services for this project from the Department of Public Service in an amount up to \$2,000.00.

**SECTION 4.** That the expenditure of \$3,271,860.00, or so much thereof as may be needed, is hereby authorized to pay for this contract per the accounting codes in the attachment to this ordinance.

**SECTION 5.** This ordinance is contingent upon the Ohio Water Development Authority's Board approving the loan for this project.

**SECTION 6.** 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 7.** 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 8.** 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 9.** That for the reasons stated in the preamble hereto, which is made a part hereof, this Ordinance is 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 (10) days after passage if the Mayor neither approves nor vetoes this Ordinance.