



## Legislation Details (With Text)

**File #:** 0724-2008      **Version:** 1

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

**File created:** 4/18/2008      **In control:** Utilities Committee

**On agenda:** 6/9/2008      **Final action:** 6/11/2008

**Title:** To authorize the Director of Public Utilities to execute a construction contract with Nickolas Savko & Sons, Inc.; to provide for payment of inspection, material testing and related services to the Transportation Division for the McDannald Estates Stormwater System Improvements, for the Divisions of Sewerage and Drainage and Transportation; to authorize the transfer of \$1,799,914.31 within the Storm Sewer Bond Fund; to authorize the expenditure of \$1,859,843.64 from the Storm Sewer Bond Fund; to authorize the expenditure of \$322,017.36 from the Streets and Highways G.O. Bonds Fund for the Transportation Division; to authorize an amendment to the 2008 Capital Improvements Budget; and to declare an emergency. (\$2,181,861.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0724-2008MAP.tif, 2. 610994 Director's Legislation Information Sheet.pdf, 3. 610994 Quality Factors Evaluation Form-Updated with C-6Factor.pdf, 4. 610994 Bid Tab Opening 02-20-08.pdf

Date	Ver.	Action By	Action	Result
6/11/2008	1	CITY CLERK	Attest	
6/10/2008	1	MAYOR	Signed	
6/9/2008	1	Columbus City Council	Approved	Pass
6/9/2008	1	COUNCIL PRESIDENT	Signed	
5/30/2008	1	Utilities Drafter	Sent to Clerk's Office for Council	
5/28/2008	1	CITY AUDITOR	Reviewed and Approved	
5/28/2008	1	Utilities Drafter	Sent for Approval	
5/28/2008	1	CITY ATTORNEY	Reviewed and Approved	
5/27/2008	1	Utilities Drafter	Sent for Approval	
5/27/2008	1	Auditor Reviewer	Reviewed and Approved	
5/22/2008	1	FINANCE DIRECTOR	Reviewed and Approved	
5/21/2008	1	Finance Reviewer	Reviewed and Approved	
5/19/2008	1	Utilities Drafter	Sent for Approval	
5/19/2008	1	Finance Reviewer	Reviewed and Approved	
5/16/2008	1	Utilities Drafter	Sent for Approval	
5/16/2008	1	Service Drafter	Sent for Approval	
5/16/2008	1	Service Reviewer	Reviewed and Approved	
5/16/2008	1	SERVICE DIRECTOR	Reviewed and Approved	
5/15/2008	1	Utilities Reviewer	Sent for Approval	

5/15/2008	1	UTILITIES DIRECTOR	Reviewed and Approved
5/14/2008	1	Utilities Drafter	Sent for Approval
5/14/2008	1	Utilities Reviewer	Reviewed and Approved
5/14/2008	1	Utilities Drafter	Sent for Approval
5/14/2008	1	Utilities Reviewer	Reviewed and Approved
5/9/2008	1	Auditor Reviewer	Reviewed and Disapproved
5/9/2008	1	CITY AUDITOR	Reviewed and Disapproved
5/8/2008	1	Utilities Drafter	Sent for Approval
5/5/2008	1	EBOCO Reviewer	Reviewed and Approved
5/5/2008	1	EBOCO Reviewer	Reviewed and Approved
5/5/2008	1	ODI DIRECTOR	Reviewed and Approved
5/5/2008	1	Utilities Drafter	Sent for Approval
5/5/2008	1	Auditor Reviewer	Reviewed and Disapproved
4/29/2008	1	Finance Reviewer	Reviewed and Approved
4/29/2008	1	FINANCE DIRECTOR	Reviewed and Approved
4/29/2008	1	Utilities Drafter	Sent for Approval
4/25/2008	1	UTILITIES DIRECTOR	Reviewed and Approved
4/25/2008	1	Utilities Drafter	Sent for Approval
4/24/2008	1	Utilities Reviewer	Sent for Approval
4/23/2008	1	Utilities Reviewer	Reviewed and Approved
4/21/2008	1	Utilities Reviewer	Reviewed and Approved
4/21/2008	1	Utilities Drafter	Sent for Approval
4/18/2008	1	Utilities Drafter	Sent for Approval

**1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with Nickolas Savko & Sons, Inc., in the amount of \$1,894,860.48; to encumber funds with the Transportation Division for inspection, testing, and prevailing wage coordination services in the amount of \$287,000.52; to authorize the City Auditor to transfer a total of \$1,799,914.31 within the Storm Sewer Bond Fund; and to amend the 2008 Capital Improvements Budget; all in connection with the McDannald Estates Stormwater System Improvements Project. A portion of the costs associated with this project will be paid by the Transportation Division to reconstruct pavement of the McDannald Estates neighborhood following installation of the storm sewers.

**2. CONSTRUCTION CONTRACT AWARD:** The Director of Public Utilities publicly opened eight bids on February 20, 2008. These bids were received from: Loveland Excavating of Columbus, Inc., \$1,399,550.40; Nickolas Savko & Sons, Inc., \$1,894,860.48; Fields Excavating Inc., \$1,907,417.83; Elite Excavating Company, \$1,968,223.20; Tata Excavating, Inc., \$2,045,115.30; John Eramo & Sons, Inc., \$2,110,494.80; George J. Igel & Company, Inc., \$2,181,324.41; and Complete General Construction Co., \$2,227,499.82.

Loveland Excavating submitted the lowest bid of \$1,399,550.40, but immediately requested to withdraw their bid due to an error in tabulating their estimate. After consultation with the City Attorney's Office, a settlement was reached and Loveland Excavating was allowed to withdraw their bid; therefore, the Division of Sewerage and Drainage is requesting approval to give the bid to Nickolas Savko & Sons, Inc, the next lowest, responsible, responsive bidder. Additional information regarding each bidder, description of work, contract timeframe and detailed amounts can be found on the attached Legislation Information Form.

**Contract Compliance Information:** 31-0907362, expires 04/16/09, Majority

**3. FISCAL IMPACT:** This legislation includes a transfer of funds within the Storm Sewer Bonds Fund and an amendment to the 2008 Capital Improvements budget to allow sufficient cash and authority in the proper account for this project.

The Transportation Division share of this project in the amount of \$322,017.36 is budgeted and available within the Streets and Highways G.O. Bonds Fund.

**4. EMERGENCY DESIGNATION:** The Department of Public Utilities is requesting City Council to consider this legislation an emergency measure, in order to meet the required provisions to sign the contract within 180 days of the bid opening. Sixty days of this timeframe were spent settling with the original apparent low bidder, Loveland Excavating Company, which was allowed to withdraw their bid as a result of the settlement with the City.

To authorize the Director of Public Utilities to execute a construction contract with Nickolas Savko & Sons, Inc.; to provide for payment of inspection, material testing and related services to the Transportation Division for the McDannald Estates Stormwater System Improvements, for the Divisions of Sewerage and Drainage and Transportation; to authorize the transfer of \$1,799,914.31 within the Storm Sewer Bond Fund; to authorize the expenditure of \$1,859,843.64 from the Storm Sewer Bond Fund; to authorize the expenditure of \$322,017.36 from the Streets and Highways G.O. Bonds Fund for the Transportation Division; to authorize an amendment to the 2008 Capital Improvements Budget; and to declare an emergency. (\$2,181,861.00)

**WHEREAS**, eight bid proposals were received and publicly opened in the offices of the Director of Public Utilities on February 20, 2008 for the construction of the McDannald Estates Stormwater System Improvements; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract and to encumber and expend funds to provide for payment of inspection, testing and prevailing wage coordination services costs associated with the McDannald Estates Stormwater System Improvements project; and

**WHEREAS**, it is necessary for this Council to authorize the City Auditor to transfer funds within the Storm Sewer Bond Fund; and

**WHEREAS**, it is necessary to authorize an amendment to the 2008 Capital Improvements Budget for purposes of providing sufficient funding and spending authority for the aforementioned project expenditure; and

**WHEREAS**, significant flooding and other stormwater problems have been identified through customer complaints for the area covered by this project; 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 enter into a construction contract with Nickolas Savko & Sons, Inc. for the McDannald Estates Stormwater System Improvements in an emergency manner for the immediate preservation of 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 award and execute a contract for construction of the McDannald Estates Stormwater System Improvements project with the lowest and best bidder, Nickolas Savko & Sons, Inc., 4636 Shuster Rd.; Columbus, Ohio 43214; in the amount of \$1,894,860.48 in accordance with the terms and conditions of the contract on file in the Office of the Division of Sewerage and Drainage; and to obtain the necessary inspection, testing and prevailing wage coordination services from the Transportation Division; and to pay up to a maximum amount of \$287,000.52.

**SECTION 2.** That the 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 3.** 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 4.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 5.** 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 6.** That for the purpose of paying the cost of the construction contract, the cost of inspection, testing and prevailing wage coordination services, the following expenditure, or as much thereof as may be needed is hereby authorized as follows: Division 60-15, Storm Sewer Bond Fund No. 685, Project 610994, Object Level Three 6621, OCA Code 685994, Amount \$1,859,843.64.

**SECTION 7.** That the expenditure of \$322,017.36, or so much thereof as may be needed, be and hereby is authorized from the Streets and Highways G.O. Bonds Fund, Fund 704, Department No. 59-09, Transportation Division, Project 530282, O.L. 01/03 Codes, 06/6631, OCA Code 644385.

**SECTION 8.** That the City Auditor is hereby authorized to transfer \$1,799,914.31 within the Storm Sewer Bonds Fund, Fund 685, Division of Sewerage and Drainage, Division 60-15, Object. Level 3 - 6621 as follows:

**Proj. No. | Proj. Name | OCA | Change**

610694 | Cleveland/Lakeview Avenue SSI | 685694 | -\$527,982.64  
610756 | East 25<sup>th</sup>/Joyce Avenue SSI | 685756 | -\$112,551.00  
610758 | Eastside Neighborhood Storm Sewer | 685758 | -\$100,000.00  
610770 | Saddle Run SSI | 685770 | -\$100,000.00  
610783 | Belvidere Avenue SSI | 685783 | -\$120,000.00  
610784 | Annadale Martindale SSI | 685784 | -\$100,000.00  
610863 | Leland Avenue Ditch | 685863 | -\$104,380.67  
610977 | Ashburton/Mayfair SSI | 685977 | -\$80,000.00  
610978 | Ashburton/Dale SSI | 685978 | -\$130,000.00  
610990 | North Central Areawide Storm System | 685990 | -\$425,000.00  
610994 | McDannald Estates SSI | 685994 | +\$1,799,914.31

**SECTION 9.** That the 2008 Capital Improvements Budget is hereby amended as follows, to provide sufficient budget authority for the execution of the construction contract stated in Section 1 herein.

**Proj. No. | Proj. Name | Current Authority | Revised Authority | Change**

610694-100000 | Cleveland/Lakeview Avenue SSI(carryover) | \$850,000 | \$322,018 | -\$527,982  
610756-100000 | East 25<sup>th</sup>/Joyce Avenue SSI(carryover) | \$160,000 | \$47,449 | -\$112,551  
610758-100000 | Eastside Neighborhood Storm Sewer(carryover) | \$100,000 | \$0 | -\$100,000  
610770-100000 | Saddle Run SSI | \$100,000(carryover) | \$0 | -\$100,000  
610783-100000 | Belvidere Avenue SSI(carryover) | \$120,000 | \$0 | -\$120,000  
610784-100000 | Annadale Martindale SSI(carryover) | \$100,000 | \$0 | -\$100,000  
610863-100000 | Leland Avenue Ditch(carryover) | \$104,381 | \$0 | -\$104,381  
610977-100000 | Ashburton/Mayfair SSI(carryover) | \$80,000 | \$0 | -\$80,000  
610978-100000 | Ashburton/Dale SSI(carryover) | \$130,000 | \$0 | -\$130,000  
610990-100000 | North Central Areawide Storm System(carryover) | \$425,000 | \$0 | -\$425,000  
610994-100000 | McDannald Estates SSI(carryover) | \$59,930 | \$1,859,844 | +\$1,799,914

**SECTION 10.** That for 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.