



## Legislation Details (With Text)

**File #:** 0264-2007      **Version:** 2

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

**File created:** 2/7/2007      **In control:** Utilities Committee

**On agenda:** 4/2/2007      **Final action:** 4/5/2007

**Title:** To authorize the Director of Public Utilities to modify a contract with Kokosing Construction Company, Inc. for the Southerly Wastewater Treatment Plant New Headworks Project; to authorize the transfer and expenditure of \$1,162,907.00 within the Sanitary Sewer Bond Fund; to amend the 2006 Capital Improvements Budget for the Division of Sewerage and Drainage. ; and to declare an emergency (\$1,162,907.00).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. S67 - KCC Mod #1 LEGISLATIONB 020807.pdf

| Date      | Ver. | Action By                 | Action                             | Result |
|-----------|------|---------------------------|------------------------------------|--------|
| 4/5/2007  | 2    | CITY CLERK                | Attest                             |        |
| 4/3/2007  | 2    | MAYOR                     | Signed                             |        |
| 4/2/2007  | 1    | Columbus City Council     | Amended to 30 day                  | Pass   |
| 4/2/2007  | 2    | Columbus City Council     | Waive the 2nd Reading              | Pass   |
| 4/2/2007  | 2    | Columbus City Council     | Approved as Amended                | Pass   |
| 4/2/2007  | 2    | COUNCIL PRESIDENT PRO-TEM | Signed                             |        |
| 3/7/2007  | 1    | Auditor Reviewer          | Reviewed and Approved              |        |
| 3/7/2007  | 1    | CITY AUDITOR              | Reviewed and Approved              |        |
| 3/7/2007  | 1    | Utilities Drafter         | Sent for Approval                  |        |
| 3/7/2007  | 1    | CITY ATTORNEY             | Reviewed and Approved              |        |
| 3/7/2007  | 1    | Utilities Drafter         | Sent to Clerk's Office for Council |        |
| 3/6/2007  | 1    | EBOCO Reviewer            | Reviewed and Approved              |        |
| 3/6/2007  | 1    | ODI DIRECTOR              | Reviewed and Approved              |        |
| 3/6/2007  | 1    | Utilities Drafter         | Sent for Approval                  |        |
| 3/2/2007  | 1    | Utilities Drafter         | Sent for Approval                  |        |
| 2/28/2007 | 1    | Finance Reviewer          | Reviewed and Approved              |        |
| 2/28/2007 | 1    | FINANCE DIRECTOR          | Reviewed and Approved              |        |
| 2/26/2007 | 1    | Utilities Reviewer        | Reviewed and Approved              |        |
| 2/26/2007 | 1    | Utilities Drafter         | Sent for Approval                  |        |
| 2/26/2007 | 1    | Utilities Reviewer        | Sent for Approval                  |        |
| 2/26/2007 | 1    | UTILITIES DIRECTOR        | Reviewed and Approved              |        |

|           |   |                   |                   |
|-----------|---|-------------------|-------------------|
| 2/26/2007 | 1 | Utilities Drafter | Sent for Approval |
| 2/16/2007 | 1 | Utilities Drafter | Sent for Approval |
| 2/14/2007 | 1 | Utilities Drafter | Sent for Approval |
| 2/7/2007  | 1 | Utilities Drafter | Sent for Approval |

1. **BACKGROUND:**

A. **Need.** This legislation authorizes the Director of Public Utilities to modify the construction contract with Kokosing Construction Company, Inc. for the Southerly Wastewater Treatment Plant New Headworks Project. The modification amount requested under this ordinance is \$1,162,907.00; the contract total including this modification will be \$44,854,457.00. These funds will provide additional monies to fund the cost of adding to the contract work needed modifications to Secondary Clarifier No. 4, as recommended by the City's Professional Program Manager (PPM) for the 2006-2010 Plants Wet Weather CIP program. The Wet Weather Management Plan (WWMP), which the City developed in compliance with the City's Consent Decree with the State of Ohio, includes the requirement that the secondary clarifiers at the Southerly plant be extensively upgraded. This upgrade work is currently being designed, and will be bid separately in 2007. To assure the success of that upgrade project, the design engineer and the PPM have recommended to the City that one existing clarifier be retrofitted immediately, in order to enable full-scale pilot testing to be done as soon as possible to confirm the theoretical design assumptions. Having the full-scale pilot testing results in hand is expected to enable optimization of the work on the other 11 clarifiers, and assure the success of the approximately \$60 million clarifier project which will be bid separately in 2007. The PPM has further recommended that the only practical way to meet the City's general project schedule commitments to EPA is to immediately undertake the retrofit of Clarifier No. 4 as a part of the work of an existing construction contract at the Southerly plant.

At the time this construction contract was prepared and advertised, the full scope and impact of the WWMP improvements for the treatment facilities were not fully developed, and so this retrofit work was not included in the current construction contract. The scope of the retrofit of Secondary Clarifier No. 4 has now been detailed to the current construction contractor, and a price has been determined for the addition of this work by modification of the contract. The PPM has recommended that this modification is necessary for the success of the overall Wet Weather program, and this legislation will provide monies and authority for the immediate execution of the work. The retrofitted Secondary Clarifier No. 4 will provide design and operation information necessary to the timely bidding of the future general clarifier contract, and it will then take its place in the function of the upgraded Southerly plant, with the 11 other clarifiers to be retrofitted in the immediate future. It is not deemed either practical or feasible to undertake a new procurement to deliver these services.

**Amount of additional funds to be expended: \$1,162,907.00**

|                                       |                        |
|---------------------------------------|------------------------|
| Original Contract                     | \$43,691,550.00        |
| Proposed Modification No. 1 (current) | <u>\$ 1,162,907.00</u> |
| CURRENT PROPOSED TOTAL                | \$44,854,457.00        |

B. **Contract Compliance No.:** 311023518 (MAJ)

C. **Emergency Designation:** The Division of Sewerage and Drainage hereby requests City Council to concur in the declaration of this ordinance as an emergency measure, in order that necessary materials be immediately procured and the retrofit work be undertaken as soon as practicable, to assure that the retrofitted Secondary Clarifier No. 4 may be operated to provide full-scale pilot testing information to the general clarifier upgrade project to be bid in 2007, in compliance with the City's commitments to Ohio EPA in the Wet Weather program.

2. **FISCAL IMPACT:**

The 2006 Capital Improvements Budget will be amended to provide sufficient authority for this expenditure. Monies for this modification will be provided from the 2006 November Bond Sale in the Voted Sanitary Sewer Bond Fund via the transfer detailed in this ordinance.

3. **PROJECT LOCATION:**

This project is located at the Southerly Wastewater Treatment Plant.

To authorize the Director of Public Utilities to modify a contract with Kokosing Construction Company, Inc. for the Southerly Wastewater Treatment Plant New Headworks Project; to authorize the transfer and expenditure of \$1,162,907.00 within the Sanitary Sewer Bond Fund; to amend the 2006 Capital Improvements Budget for the Division of Sewerage and Drainage; ~~and to declare an emergency~~ (\$1,162,907.00).

**WHEREAS**, Contract No. EL005302 was authorized by Ordinance No.0200-2005, passed by Columbus City Council on March 28, 2005 for purposes of authorizing the Director of Public Utilities to enter into a construction contract with Kokosing Construction Company, Inc. for the Southerly Wastewater Treatment Plant New Headworks Project; and

**WHEREAS**, it is now necessary to modify this contract to provide for the execution of needed additional work to provide an immediate retrofit and upgrade of Secondary Clarifier No. 4; and

**WHEREAS**, it is necessary to authorize the transfer of monies within the Sanitary Sewer Bond Fund to provide sufficient funding for the aforementioned project expenditure; and

**WHEREAS**, it is necessary to authorize an amendment to the 2006 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; **now, therefore** ~~and~~

~~**WHEREAS**, an emergency exists in the usual daily operation of the Division of Sewerage and Drainage, Department of Public Utilities, in that it is immediately necessary to authorize the Director of Public Utilities to modify the construction contract for the Southerly Wastewater Treatment Plant New Headworks Project, in order to add certain work now deemed necessary to the timely completion of the Division's Wet Weather Management Plan infrastructure improvements within the schedule commitments made to Ohio EPA, 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 modify Contract No. EL005302 with Kokosing Construction Company, Inc., 886 McKinley Avenue, Columbus, Ohio 43222 for construction of the for the Southerly Wastewater Treatment Plant New Headworks Project in order to provide for additional work in accordance with the terms and conditions as shown in the Modification on file in the office of the Division of Sewerage and Drainage.

**Section 2.** That for the purpose of paying the cost of the construction contract modification, the following expenditure, or as much thereof as may be needed, be and the same is hereby authorized as follows: Division 60-05; Fund 664; Project- Southerly Wastewater Treatment Plant New Headworks, Project No. 650352; OCA Code 650352; Object Level Three 6624; Amount \$1,162,907.00.

**Section 3.** That the 2006 Capital Improvements Budget Ordinance No. 1108-2006 is hereby amended as follows, to provide sufficient budget authority for the execution of the cost agreement increase stated in Section 1 herein:

**CURRENT:**

650352: SWWTP New Headworks - \$861,310.00

650358: SWWTP Center Train Concrete Rehab - \$1,069,000.00

**AMENDED:**

650352: SWWTP New Headworks - \$1,162,907.00 (+\$301,597.00)

650358: SWWTP Center Train Concrete Rehab - \$767,403 (-\$301,597.00)

**Section 4.** That the City Auditor is hereby authorized to transfer \$1,162,907.00 within the Voted Sanitary Sewer Bond Fund, Fund 664, Object Level One 06, Object Level Three 6624, Division of Sewerage and Drainage, Division 60-05, FROM: Project Name SWWTP Center Train Concrete Rehab, Project No. 650358, OCA 642918; TO: Project Name SWWTP New Headworks, Project No. 650352, OCA 650352.

**Section 5.** That the City Auditor is hereby authorized 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 by monies from more than one source.

**Section 6.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**Section 7.** ~~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 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.~~ **That this ordinance shall take effect and be in force from and after the earliest period allowed by law.**