



Legislation Details (With Text)

File #: 1708-2010 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 11/16/2010 **In control:** Utilities Committee

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

Title: To authorize the Director of Public Utilities to contract with and enter into a construction contract with Kenmore Construction Company, Inc. in connection with the CSO Regulator Sluice Gate Modifications Project; to authorize the appropriation, transfer, and expenditure of \$2,148,200.00 from the Sewer System Reserve Fund to the Water Pollution Control Loan Fund to fund this project expenditure for the Division of Sewerage and Drainage; and declare an emergency. (\$2,148,200.00).

Sponsors:

Indexes:

Code sections:

Attachments: 1. CIP_650737_Director's Legislation Information Sheet (Revised 04-06-10).pdf, 2. Sub-Contractor WIF 650737-100000 CSO Regulator Sluice Gate.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	
12/2/2010	1	Utilities Drafter	Sent for Approval	
12/2/2010	1	CITY ATTORNEY	Reviewed and Approved	
12/2/2010	1	Utilities Drafter	Sent to Clerk's Office for Council	
12/1/2010	1	ODI DIRECTOR	Reviewed and Approved	
12/1/2010	1	Utilities Drafter	Sent for Approval	
11/30/2010	1	Auditor Reviewer	Reviewed and Approved	
11/30/2010	1	CITY AUDITOR	Reviewed and Approved	
11/30/2010	1	Utilities Drafter	Sent for Approval	
11/30/2010	1	EBOCO Reviewer	Sent for Approval	
11/29/2010	1	Finance Reviewer	Reviewed and Approved	
11/29/2010	1	Finance Reviewer	Reviewed and Approved	
11/29/2010	1	FINANCE DIRECTOR	Reviewed and Approved	
11/29/2010	1	Utilities Drafter	Sent for Approval	
11/23/2010	1	UTILITIES DIRECTOR	Reviewed and Approved	
11/23/2010	1	Utilities Drafter	Sent for Approval	
11/22/2010	1	Utilities Reviewer	Reviewed and Approved	
11/22/2010	1	Utilities Drafter	Sent for Approval	

11/18/2010	1	Utilities Drafter	Sent for Approval
11/18/2010	1	Utilities Reviewer	Reviewed and Approved
11/17/2010	1	Utilities Reviewer	Reviewed and Approved
11/16/2010	1	Utilities Drafter	Sent for Approval

1. **BACKGROUND:**

A. **Need.** This legislation authorizes the Director of Public Utilities to enter into a construction contract with the Kenmore Construction Company, Inc in connection with the CSO Regulator Sluice Gate Modifications Project; to authorize the appropriation, transfer, and expenditure of \$2,148,200.00 from the Ohio EPA Water Pollution Control Loan Fund (WPCLF) for the Division of Sewerage and Drainage.

This is a Wet Weather Management Plan project that will address the combined sewer overflow reduction requirements of the Combined Sewer Overflow Consent Order and OEPA approved Combined Sewer Long Term Control Plan - Interim (2010) Plan Update, dated March 7, 2008.

This project will address restrictions in the existing combined sewer system in preparation of the OSIS Augmentation and Relief Sewer (OARS) and reduces the SSO's from DSR-83. This project is being performed as part of the City's OEPA approved Combined Sewer Long Term Control Plan - Interim (2010) Plan Update, dated March 7, 2008. The existing sluice gates at 15 CSO regulators (Hudson, Doe, Frambes, Indianola, King, Third, First, Henry, Chestnut, Spring, Long, Broad, Liberty, Whittier, and Moler) will be removed and the orifices at 4 regulators (Broad, Long, Chestnut and Henry) will be enlarged in order to increase flow to the wastewater treatment plants. In addition, the weir at DSR-83 will be raised approximately 2.84 ft., the sludge manhole at the Whittier Street Storm Tanks will be raised 2.75 ft. and backflow prevention will be installed at manholes 0002S0072 and 0002S0073 in order to reduce overflows at DSR-83 and increase the in-line storage upstream of DSR-83.

Work must be completed within 365 days of the Notice to Proceed.

B. **Procurement Information:** The Division advertised for competitive bid proposals on the City of Columbus's Vendor Services website and in the City Bulletin in accordance with the provisions of Section 329.14 of Columbus City Codes. The Division of Sewerage and Drainage opened the responding bids on November 10, 2010 from the following companies:

<u>Name</u>	<u>C.C. No.</u>	<u>City/State</u>	<u>Status</u>
Kenmore Construction Co., Inc.	34-0802152	Akron, OH	MAJ
The Righter Co., Inc	31-0889208	Columbus, OH	MAJ
Complete General Construction Co.	31-4366382	Columbus, OH	MAJ

These bids were reviewed and ranked utilizing the Bid Tab and Quality Factor Form evaluation process. After careful consideration, the committee recommended that Kenmore Construction Company, Inc. be selected to provide the construction services for the CSO Regulator Sluice Gate Modifications Project.

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.

The Engineer's construction cost estimate was: \$4,335,464.00

The Award is recommended to the lowest Responsive, Responsible, and Best Bidder.

C. **Contract Compliance No.:** 34-0802152 | Expires: 08/04/2011 | MAJ

D. **Emergency Designation:** Emergency designation is requested. This is a Wet Weather Management Plan project that will address the combined sewer overflow reduction requirements of the Combined Sewer Overflow Consent Order and OEPA approved Combined Sewer Long Term Control Plan - Interim (2010) Plan Update, dated March 7, 2008.

Completion of this project (especially: raise of DSR 83 weir and sludge manhole located at the Whittier Street Storm Standby Tanks plus installation of backflow prevention valves at manholes 00012072 and 0002s0073) will provide a immediate benefit in

reducing combined sewer overflows at the Whittier Street Storm Standby Tanks.

FISCAL IMPACT:

This ordinance authorizes the appropriation, transfer and expenditure of \$2,148,200.00 from the Sewer System Reserve Fund to the Water Pollution Control Loan Fund to fund this project expenditure. This transaction 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); reimburse the Sewer System Reserve Fund, and the loan award is tentatively scheduled for the January 27, 2011 OWDA board meeting.

To authorize the Director of Public Utilities to contract with and enter into a construction contract with Kenmore Construction Company, Inc. in connection with the CSO Regulator Sluice Gate Modifications Project; to authorize the appropriation, transfer, and expenditure of \$2,148,200.00 from the Sewer System Reserve Fund to the Water Pollution Control Loan Fund to fund this project expenditure for the Division of Sewerage and Drainage; and declare an emergency. (\$2,148,200.00).

WHEREAS, three (3) competitive bids for construction of the CSO Regulator Sluice Gate Modifications Project, were received and opened on November 10, 2010 in the offices of the Director of Public Utilities; and

WHEREAS, the Division of Sewerage and Drainage engineering personnel have determined it necessary to enter into a construction contract with Kenmore Construction Company, Inc., in order to provide for construction of CSO Regulator Sluice Gate Modifications Project; and

WHEREAS, the Ohio Water Development Authority (OWDA) is scheduled to approve a loan to the City of Columbus on the January 27, 2011, in the amount of \$2,148,200.00 identified as Ohio EPA Loan Number CS390274-0129 to provide financing for the above listed project with eligible costs including the construction contract and contingency; and

WHEREAS, sufficient monies will be available within the Sanitary Sewer Reserve Fund 654 and transferred to the Water Pollution Control Loan Fund 666 for the construction contract and capitalized interest expenditures; and

WHEREAS, it is immediately necessary to both appropriate funds from the Sanitary Sewer Reserve Fund and to authorize the transfer of said funds into the Water Pollution Loan Fund, 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, it is necessary for City Council to authorize the expenditure of funds from the Water Pollution Control Loan Fund 666; and

WHEREAS, an emergency exist in the usual daily operations of the Division of Sewerage and Drainage, Department of Public Utilities, in that it is immediately necessary for this Council to authorize the Director of Public Utilities to enter into a construction contract with the Kenmore Construction Company, Inc., for the Wet Weather Management Plan project that will address the combined sewer overflow reduction requirements of the Combined Sewer Overflow Consent Order and OEPA approved Combined Sewer Long Term Control Plan for the CSO Regulator Sluice Gate Modifications Project, and enter into this contract at the earliest practical date for the immediate preservation of the public health, welfare, 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 Kenmore Construction Company, Inc., 700 Home Avenue, Akron, Ohio 44310 for the CSO Regulator Sluice Gate Modifications 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 January 27, 2011 to provide financing for the construction contract.

SECTION 3. That from the unappropriated monies in the Sanitary Sewer Reserve Fund 654, and from all monies estimated to come into said fund from any and all sources, and unappropriated from any other purpose for the CSO Regulator Sluice Gate Modifications

Project, the sum of \$2,148,200.00 is hereby appropriated to the Division of Sewerage and Drainage; Division 60-05 | ObjLv11 10 | ObjLv13 5502 | OCA Code 901654

SECTION 4. That the City Auditor is hereby authorized to transfer \$2,148,200.00 to the Water Pollution Control Loan Fund No. 666, into the appropriate project accounts as specified in the below section, at such time as deemed necessary by him, 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: 650737-100000 | OCA Code 667370 | Object Level One 10 | Object Level Three 6630 | Amount \$2,148,200.00.

SECTION 6. That said construction company, Kenmore Construction Company, Inc., shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 7. 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 8. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

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 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.