



## Legislation Details (With Text)

**File #:** 2623-2013      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 11/4/2013      **In control:** Public Utilities Committee  
**On agenda:** 12/9/2013      **Final action:** 12/11/2013

**Title:** To authorize the Director of Public Utilities to execute a construction contract with D & M Painting Corporation for the Morse Road South Ground Storage Tank Structural Improvements Project; for the Division of Water; to authorize a transfer and expenditure up to \$256,245.00 within the Water Works Enlargement Voted Bonds Fund; to amend the 2013 Capital Improvements Budget; to waive the provisions of competitive bidding; and to declare an emergency. (\$256,245.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 2623-2013 Bid Tab, 2. ORD 2623-2013 QFF, 3. ORD 2623-2013 Information, 4. ORD 2623-2013 Bid Waiver Form, 5. ORD 2623-2013 Sub ID, 6. ORD 2623-2013 map

Date	Ver.	Action By	Action	Result
12/11/2013	1	CITY CLERK	Attest	
12/11/2013	1	ACTING MAYOR	Signed	
12/9/2013	1	COUNCIL PRESIDENT	Signed	
12/9/2013	1	Columbus City Council	Approved	Pass

**1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with D & M Painting Corporation, in the amount of \$256,245.00, for the Morse Road South 10 MG Ground Storage Tank Structural Improvements Project, Division of Water Contract Number 2033.

Through maintenance inspections it was found that the center rafters of this tank, as well as the drain piping in the altitude valve vault, were in need of repairs and rehabilitation. Furthermore overflow piping on this tank is being updated to meet current EPA standards. For these reasons it is necessary to have these structural items addressed under this contract. This contract will also include the installation of a mixing system in this tank to improve the water quality of the potable water that is discharged from this tank into our distribution system.

**2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT:** By completing this project, the Morse Road South 10 MG Ground Storage Tank will be structurally sound and continue to offer the necessary water and fire protection to this area. The improvements to this tank will also bring the city into compliance with the EPA for proper overflow piping. Lastly, by adding a mixing system to this tank we will be improving the water quality that is delivered to the community in this area.

**3. CONSTRUCTION CONTRACT AWARD:** The Director of Public Utilities publicly opened two bids on October 23, 2013 from D & M Painting Corporation - \$256,245.00 (as corrected) and Horizon Bros. Painting - \$1,843,050.00.

At the bid opening, D & M Painting's total bid price was erroneously stated as \$243,265.00. Upon review of the bid, on item number four, D & M Painting did not multiply the unit price to reflect the required quantity of two units. The bid book states the City will tabulate bids from the unit prices and shall correct any errors in the bid total using the unit price.

Once the unit price was applied correctly, D & M's grand bid total increased by \$12,980.00 and they are still the lowest bidder.

Additionally, D & M Painting originally submitted a proposal bond that contained a limitation on the amount to be paid to the City if D & M received the award but did not enter into a contract with us. This made their bid non-responsive, however, D & M Painting submitted a revised bond on the City's form adhering to our required guidelines.

In order to allow the Department of Public Utilities to award to the lowest bidder notwithstanding the failure to initially submit an acceptable proposal bond and based on the City's subsequent receipt of a revised bond that no longer limits compensation to the City, the Director of Public Utilities feels it is in the City's best interest to waive the provisions of competitive bidding so that the Division of Water can contract with D & M Painting Corporation and is asking for Columbus City Council approval of the waiver. The City Attorney's Office was consulted on this matter and supports this request.

D & M Painting Corporation's Contract Compliance Number is 25-1468027 (expires 1/18/15, Majority). Additional information regarding both bidders, description of work, contract time frame and detailed amounts can be found on the attached Information form.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against D & M Painting Corporation.

**4. EMERGENCY DESIGNATION:** It is requested that this Ordinance be handled in an emergency manner as these structural improvements must be completed before the tank is painted, currently scheduled for spring 2014. The work on this contract will be completed in 90 calendar days and work can be performed during winter months which will allow the work to be completed prior to the painting of the structure in the spring of 2014.

**5. FISCAL IMPACT:** A transfer of funds within the Water Works Enlargement Voted Bonds Fund will be necessary, as well as an amendment to the 2013 Capital Improvements Budget.

To authorize the Director of Public Utilities to execute a construction contract with D & M Painting Corporation for the Morse Road South Ground Storage Tank Structural Improvements Project; for the Division of Water; to authorize a transfer and expenditure up to \$256,245.00 within the Water Works Enlargement Voted Bonds Fund; to amend the 2013 Capital Improvements Budget; to waive the provisions of competitive bidding; and to declare an emergency. (\$256,245.00)

**WHEREAS**, two bids for the Morse Road South 10 MG Ground Storage Tank Structural Improvements Project were received and publicly opened in the offices of the Director of Public Utilities on October 23, 2013; and

**WHEREAS**, at the bid opening, D & M Painting's total bid price was erroneously stated as \$243,265.00 and upon further review, it was found that D & M Painting did not multiply the unit price to reflect the required quantity of two units, causing their grand total bid to increase by \$12,980.00; and

**WHEREAS**, D & M Painting's bid was originally deemed non-responsive as they submitted a proposal bond that contained a limitation on the amount to be paid to the City if D & M received the award but did not enter into a contract with us; and

**WHEREAS**, D & M Painting subsequently submitted a revised bond that no longer limits compensation to the City; and

**WHEREAS**, in order to allow the Department of Public Utilities to award to the lowest bidder notwithstanding the failure to initially submit an acceptable proposal bond and based on the City's subsequent receipt of a revised bond that no longer limits compensation to the City, the Director of Public Utilities believes it is in the City's best interest to waive

the provisions of competitive bidding so that the Division of Water can contract with D & M Painting Corporation; and

**WHEREAS**, the City Attorney's office was consulted on both of these matters and supports this request; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract for the Morse Road South 10 MG Ground Storage Tank Structural Improvements Project to D & M Painting Corporation; and

**WHEREAS**, it is necessary for this Council to authorize the transfer and expenditure of funds within the Water Works Enlargement Voted Bonds Fund, for the Division of Water; and

**WHEREAS**, it is necessary to authorize an amendment to the 2013 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; and

**WHEREAS**, an emergency exists in the usual daily operation of the Division of Water, Department of Public Utilities, in that it is immediately necessary to authorize the Director of Public Utilities to enter into a construction contract with D & M Painting Corporation for the Morse Road South 10 MG Ground Storage Tank Structural Improvements Project, in an emergency manner in order to have structural improvements completed before the tank is painted, currently scheduled for spring 2014; 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 award and execute a construction contract for the Morse Road South 10 MG Ground Storage Tank Structural Improvements Project with the lowest, best, responsible bidder, D & M Painting Corporation, 1500 Amity Ridge Road, Washington, Pennsylvania, 15301; in the amount of \$256,245.00; in accordance with the terms and conditions of the contract on file in the Office of the Division of Water.

**SECTION 2.** That this Council finds it in the best interest of the City of Columbus to waive the provisions of Section 329.06 of the Columbus City Code, 1959, in order to contract for the Morse Road South 10 MG Ground Storage Tank Structural Improvements Project, and such provisions are hereby waived.

**SECTION 3.** That the City Auditor is hereby authorized to transfer \$56,245.00 within the Department of Public Utilities, Division of Water, Water Works Enlargement Voted Bonds Fund, Fund No. 606, Dept/Div. No. 60-09, Object Level Three 6621, as follows:

**Fund No. | Project No. | Project Name | OCA Code | Change**

606 | 690521-100000 (New Funding) | Water Main Repairs | 606521 | -\$47,299.50  
606 | 690251-100000 (New Funding) | O'Shaughnessy Dam Hydroelectric | 690251 | -\$8,945.50  
606 | 690473-100007 (New Funding) | Morse Rd. S. 10 MG Tank | 647307 | +\$56,245.00

\*Project 690473-100007 (New Funding) already has a balance of \$200,000.

**SECTION 4.** That the 2013 Capital Improvements Budget is hereby amended as follows:

**Fund No. | Project No. | Project Name | OCA Code | Change**

606 | 690521-100000 (New Funding) | Water Main Repairs | \$47,299 | \$47,300 | +\$1  
606 | 690521-100000 (New Funding) | Water Main Repairs | \$47,300 | \$0 | -\$47,300  
606 | 690251-100000 (New Funding) | O'Shaughnessy Dam Hydroelectric | \$100,000 | \$91,054 | -\$8,946  
606 | 690473-100007 (New Funding) | Morse Rd. S. 10 MG Tank | \$200,000 | \$256,246 | +\$56,246

**SECTION 5.** That the expenditure of \$256,245.00 is hereby authorized for the Morse Road South 10 MG Ground Storage Tank Structural Improvements Project within the Water Works Enlargement Voted Bonds Fund, Fund No. 606,

Dept.-Div. 60-09, Project No. 690473-100007 (New Funding), OCA 647307, OL3 6621.

**SECTION 6.** That said construction company shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Water.

**SECTION 7.** That the funds necessary to carry out the purpose of this Ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

**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 establish proper project accounting numbers as appropriate.

**SECTION 10.** 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 11.** That for reasons stated in the preamble hereto, which is hereby 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 days after passage if the Mayor neither approves nor vetoes the same.