



## Legislation Details (With Text)

**File #:** 1568-2009      **Version:** 1

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

**File created:** 11/11/2009      **In control:** Utilities Committee

**On agenda:** 12/14/2009      **Final action:** 12/16/2009

**Title:** To authorize the Director of Public Utilities to execute a contract with Danbert Inc. for construction of the Markison Avenue Area Water Line Improvements Project; for the Division of Power and Water; to provide for payment of inspection, material testing and related services to the Transportation Division; to authorize the appropriation and transfer of \$1,316,242.09 from the Water System Reserve Fund to the Ohio Water Development Authority (OWDA) Fund; to authorize the appropriation and expenditure of \$1,316,242.09 from the Ohio Water Development Authority (OWDA) Fund; and to authorize an amendment to the 2009 Capital Improvements Budget. (\$1,316,242.09)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1568-2009 bid tab.xlsx, 2. ORD1568-2009 QFF.pdf, 3. ORD1568-2009 Legis. Info. Form.pdf, 4. ORD1568-2009 map.pdf, 5. ORD1568-2009 Sub-Contractor Form.pdf

Date	Ver.	Action By	Action	Result
12/16/2009	1	CITY CLERK	Attest	
12/15/2009	1	MAYOR	Signed	
12/14/2009	1	Columbus City Council	Approved	Pass
12/14/2009	1	COUNCIL PRESIDENT	Signed	
12/7/2009	1	Columbus City Council	Read for the First Time	
11/19/2009	1	ODI DIRECTOR	Reviewed and Approved	
11/19/2009	1	Utilities Drafter	Sent for Approval	
11/19/2009	1	CITY ATTORNEY	Reviewed and Approved	
11/19/2009	1	Utilities Drafter	Sent to Clerk's Office for Council	
11/18/2009	1	Auditor Reviewer	Reviewed and Approved	
11/18/2009	1	CITY AUDITOR	Reviewed and Approved	
11/18/2009	1	Utilities Drafter	Sent for Approval	
11/18/2009	1	EBOCO Reviewer	Sent for Approval	
11/17/2009	1	FINANCE DIRECTOR	Reviewed and Approved	
11/17/2009	1	Utilities Drafter	Sent for Approval	
11/16/2009	1	Utilities Reviewer	Sent for Approval	
11/16/2009	1	UTILITIES DIRECTOR	Reviewed and Approved	
11/16/2009	1	Utilities Drafter	Sent for Approval	
11/16/2009	1	Finance Reviewer	Reviewed and Approved	
11/16/2009	1	Finance Reviewer	Reviewed and Approved	

11/13/2009	1	Utilities Reviewer	Reviewed and Approved
11/13/2009	1	Utilities Drafter	Sent to Clerk's Office for Council
11/13/2009	1	Utilities Reviewer	Reviewed and Approved
11/13/2009	1	Utilities Drafter	Sent for Approval
11/12/2009	1	Utilities Reviewer	Reviewed and Approved
11/11/2009	1	Utilities Drafter	Sent for Approval

**1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with Danbert Inc., in the amount of \$1,059,407.09; to encumber funds with the Transportation Division for inspection, testing and prevailing wage coordination services in the amount of \$256,835.00; for the Markison Avenue Area Water Line Improvements Project, Division of Power and Water Contract Number 1109. This legislation will also authorize the appropriation and expenditure of said funds from the Ohio Water Development Authority (OWDA) Fund.

**2. CONSTRUCTION CONTRACT AWARD:** The Director of Public Utilities publicly opened eight bids on November 4, 2009. Bids were received from: Danbert Inc. - \$1,059,407.09; Bale Contracting, Inc. - \$1,172,971.80; John Eramo & Sons, Inc. - \$1,212,805.44; Columbus Asphalt Paving - \$1,311,341.35; Complete General Construction Co. - \$1,349,164.30; Nickolas Savko & Sons - \$1,404,671.29; and George J. Igel & Co. - \$1,495,012.20; Tata Excavating Co. - non-responsive.

Tata Excavating Company's bid was deemed non-responsive because there was a deficiency in the bond proposal amount. Danbert Inc. was the best, lowest, responsive and responsible bidder.

Danbert Inc.'s Contract Compliance Number is 31-1029004 (expires 10/22/10, Majority). Additional information regarding each bidder, description of work, contract time frame and detailed amounts can be found on the attached Legislation Information Form.

**3. FISCAL IMPACT:** This Ordinance authorizes the City Auditor to appropriate and transfer funds from the Water System Reserve Fund to the Ohio Water Development Authority (OWDA) Fund in order to fund this proposed expenditure. This transaction is a temporary measure that is required until such time as the Division is able to execute a loan with the Ohio Water Development Authority (OWDA) and reimburse the Water System Reserve Fund. The loan is expected to be approved on Thursday, December 10, 2009. An amendment to the 2009 Capital Improvements Budget is also necessary in order to reduce authority to actual needs.

To authorize the Director of Public Utilities to execute a contract with Danbert Inc. for construction of the Markison Avenue Area Water Line Improvements Project; for the Division of Power and Water; to provide for payment of inspection, material testing and related services to the Transportation Division; to authorize the appropriation and transfer of \$1,316,242.09 from the Water System Reserve Fund to the Ohio Water Development Authority (OWDA) Fund; to authorize the appropriation and expenditure of \$1,316,242.09 from the Ohio Water Development Authority (OWDA) Fund; and to authorize an amendment to the 2009 Capital Improvements Budget. (\$1,316,242.09)

**WHEREAS,** eight bids for the Markison Avenue Area Water Line Improvements Project were received and publicly opened in the offices of the Director of Public Utilities on November 4, 2009; and

**WHEREAS,** the bid, from Tata Excavating Co., was deemed non-responsive due to a deficiency in the bond proposal amount; and

**WHEREAS,** it was determined that Danbert Inc. submitted the best, lowest, responsive and responsible bid in the amount of \$1,059,407.09; 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 Markison Avenue Area Water Line Improvements Project; and

**WHEREAS,** it is immediately necessary to both appropriate funds from the Water System Reserve Fund and to authorize the transfer of said funds into the Ohio Water Development Authority (OWDA) Fund, in order to temporarily fund this expenditure, until such

time as the City is able to execute a loan for the above stated purpose and reimburse the Water System Reserve Fund; and

**WHEREAS**, the aggregate principal amount which the City will issue to finance this phase of the project is presently expected not to exceed \$1,316,242.09; and

**WHEREAS**, it is necessary to appropriate the proceeds from the aforementioned loan, to authorize the expenditure of funds required to award the subject contract, and to provide the requisite budget authority for said award; and

**WHEREAS**, it is necessary to authorize an amendment to the 2009 Capital Improvements Budget for purposes of providing sufficient funding and expenditure authority for the aforementioned project expenditure; and

**WHEREAS**, it has become necessary in the usual daily operation of the Division of Power and Water, Department of Public Utilities, to authorize the Director of Public Utilities to enter into a construction contract with Danbert Inc. for the Markison Avenue Area Water Line Improvements Project, to authorize the appropriation and transfer of funds from the Water System Reserve Fund to the Ohio Water Development Authority (OWDA) Fund, for the 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 Markison Avenue Area Water Line Improvements Project with the lowest and best bidder, Danbert Inc., 8077 Memorial Dr., Plain City, Ohio 43064; in the amount of \$1,059,407.09; in accordance with the terms and conditions of the contract on file in the Office of the Division of Power and Water, 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 \$256,835.00.

**SECTION 2.** That from the unappropriated monies in the Water System Reserve Fund 603, and from all monies estimated to come into said fund from any and all sources, and unappropriated for any other purpose during the fiscal year ending December 31, 2009, the sum of \$1,316,242.09 is hereby appropriated to the Division of Power and Water, Division 60-09, Object level One 10, Object level Three 5502, OCA 695056.

**SECTION 3.** That the City Auditor is hereby authorized to transfer \$1,316,242.09 to the Ohio Water Development Authority (OWDA) Fund, Fund No. 616, into the appropriate project accounts as specified within Section 5 herein, at such time as deemed necessary by him, and to expend said funds, or so much thereof as may be necessary.

**SECTION 4.** That for the purpose of paying the cost of the Ohio Water Development Authority (OWDA) Fund Eligible Items within the Gibbard Avenue Area Water Line Improvements Project, and funds from the unappropriated monies in Fund 616, the amount of \$1,316,242.09, which includes funding for the cost of construction, inspection, testing and prevailing wage coordination services, are hereby appropriated and to be expended by the Division of Power and Water, Division 60-09, Fund No. 616, Object Level One 06, Object Level Three 6629, OCA Code 616236, Project No. 690236-100015.

**SECTION 5.** That the 2009 Capital Improvements Budget is hereby amended as follows:

<u>Fund No.</u>	<u>Project No.</u>	<u>Project Name</u>	<u>Current Authority</u>	<u>Revised Authority</u>	<u>change</u>
616	690236-100015	Markison Ave. W.L. Imp's	\$2,100,000	\$1,316,243	-\$783,757

**SECTION 6.** That upon obtaining other funds for the purpose of funding water system capital improvement work, the City Auditor is hereby authorized to repay the Water System Reserve Fund the amount transferred under Section 3 above, and said funds are hereby deemed appropriated for such purpose.

**SECTION 7.** That said construction company shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Power and Water.

**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 this Ordinance shall take effect and be in force from and after the earliest period allowed by law.