



## Legislation Details (With Text)

**File #:** 1019-2013      **Version:** 1

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

**File created:** 4/18/2013      **In control:** Public Utilities Committee

**On agenda:** 5/20/2013      **Final action:** 5/23/2013

**Title:** To authorize the Director of Public Utilities to execute a construction contract with Capital City Electric, LLC and to enter into a rebate agreement with Vermont Energy Investment Corporation dba Efficiency Smart, for the Energy Efficient Lighting Upgrades Project, for the Division of Water; to authorize a transfer and expenditure up to \$582,598.67 within the Water Works Enlargement Voted Bonds Fund; to amend the 2013 Capital Improvements Budget; and to waive the provisions of competitive bidding. (\$582,598.67)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 1019-2013 Bid Tab, 2. ORD 1019-2013 QFF, 3. ORD 1019-2013 Information, 4. ORD 1019-2013 Bid Waiver, 5. ORD 1019-2013 Sub ID

Date	Ver.	Action By	Action	Result
5/23/2013	1	CITY CLERK	Attest	
5/21/2013	1	MAYOR	Signed	
5/20/2013	1	COUNCIL PRESIDENT	Signed	
5/20/2013	1	Columbus City Council	Approved	Pass
5/13/2013	1	Columbus City Council	Read for the First Time	

**1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with Capital City Electric, LLC, in the amount of \$582,598.67, for the Energy Efficient Lighting Upgrades Project, Division of Water Contract Number 2023.

This project consists of retrofitting and replacing current light fixtures with new energy efficient light fixtures at the Dublin Road Water Plant, the Parsons Avenue Water Plant, and the 910 Dublin Road Public Utilities Complex, in alignment with the Mayor’s Green Initiative.

This ordinance also authorizes the Director of Public Utilities to enter into a rebate agreement with Vermont Energy Investment Corporation dba Efficiency Smart. Efficiency Smart is a program of energy efficiency services offered to public power communities who are subscribing members of American Municipal Power Inc. (AMP). AMP is offering customer rebates under the Efficiency Smart program to facilitate the implementation of cost-effective energy-efficiency improvements for commercial and industrial customers.

Efficiency Smart estimated the Department will achieve a savings of 1,063,409 kWh, valued at \$95,000 annually, for all three locations. In order to qualify for this rebate construction must be complete and the final invoice paid before the end of 2013.

**2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT:** This project will provide for the upgrades to existing lighting system and installation of energy efficient lighting system at the Dublin Road Water Plant, the Parsons

Avenue Water Plant, and the Utilities Complex. The project will replace T12 lamps with more efficient T8 lamps and replace high pressure sodium lamps with LED lamps for an approximate 30% reduction in energy consumption. The work on this project was coordinated with Efficiency Smart to qualify for the rebate program.

**3. CONSTRUCTION CONTRACT AWARD:** The Director of Public Utilities publicly opened four bids on April 10, 2013 from: CS Electric & Excavating - \$485,984.40; Capital City Electric, LLC - \$582,598.67; Atlas Industrial Contractors - \$683,846.40; and Lighting Services, Inc. - \$868,106.40.

CS Electric & Excavating requested they be able to withdraw their bid due to math errors in their proposal and the Director of Public Utilities accepted their request.

Capital City Electric's total bid price was \$582,598.67, which is \$101,247.73 less than the next lowest bidder. However, upon review of the bid, on item 5, a lump sum was used rather than a unit price as requested. If the unit price were applied, the total bid for item 5: Removal and Installation of Emergency Lighting Ballast (Complete) would be over \$207,000.00 for 25 fixtures, indicating an obvious error had been made by Capital City Electric, LLC.

Capital City Electric has clarified its bid that a lump sum was mistakenly provided for that item, and has clarified how the lump sum it provided translates to the unit price. This clarification does not change the total bid amount and Capital City Electric, LLC is still the lowest bidder.

In order to allow the Department of Public Utilities to award to the lowest bidder, notwithstanding the obvious error, the Director of Public Utilities believes it is in the City's best interest to waive the provisions of competitive bidding in order that the Division of Water can contract with Capital City Electric, LLC. The City Attorney's Office was consulted on this matter and supports this request.

Information regarding all bidders, description of work, contract time frame and detailed amounts can be found on the attached Information form.

**4. CONTRACT COMPLIANCE INFO:**

Capital City Electric, LLC: 76-0774593 (expires 3/28/15, Majority)

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Capital City Electric, LLC nor Vermont Energy Investment Corporation dba Efficiency Smart.

**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 Capital City Electric, LLC and to enter into a rebate agreement with Vermont Energy Investment Corporation dba Efficiency Smart, for the Energy Efficient Lighting Upgrades Project, for the Division of Water; to authorize a transfer and expenditure up to \$582,598.67 within the Water Works Enlargement Voted Bonds Fund; to amend the 2013 Capital Improvements Budget; and to waive the provisions of competitive bidding. (\$582,598.67)

**WHEREAS**, four bids for the Energy Efficient Lighting Upgrades Project were received and publicly opened in the offices of the Director of Public Utilities on April 10, 2013; and

**WHEREAS**, the lowest bidder, CS Electric & Excavating requested their bid be withdraw due to math errors and the Director of Public Utilities accepted; and

**WHEREAS**, the next lowest bidder, Capital City Electric, LLC, used a lump sum rather than a unit price, for item five, resulting in a line item total of over \$207,000.00, indicating an obvious error; and

**WHEREAS**, Capital City Electric, LLC has clarified that a lump sum was mistakenly provided for that item, and has clarified how the lump sum it provided translates to the unit price. This clarification does not change the total bid amount and Capital City Electric, LLC is still the lowest bidder; and

**WHEREAS**, the Director of Public Utilities believes it is in the City's best interest to waive the provisions of competitive bidding, in order that the Division of Water can contract with Capital City Electric, LLC, notwithstanding the obvious error; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract for the Energy Efficient Lighting Upgrades Project to Capital City Electric, LLC; and

**WHEREAS**, the Department of Public Utilities is a subscribing member of American Municipal Power Inc. (AMP), who is offering customer rebates under the Efficiency Smart program for cost-effective energy-efficiency improvements; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to enter into a rebate agreement with Vermont Energy Investment Corporation dba Efficiency Smart to take advantage of the incentives offered by AMP; 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**, it has become necessary in the usual daily operation of the Division of Water, Department of Public Utilities, to authorize the Director of Public Utilities to enter into a construction contract with Capital City Electric, LLC and a rebate agreement with Vermont Energy Investment Corporation dba Efficiency Smart, for the Energy Efficient Lighting Upgrades Project, 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 Energy Efficient Lighting Upgrades Project with the lowest, best, most responsive, responsible bidder, Capital City Electric, LLC, 9798 Karmar Court, Suite B, New Albany, Ohio 43054; in the amount of \$582,598.67; in accordance with the terms and conditions of the contract on file in the Office of the Division of Water.

**SECTION 2.** That the Director of Public Utilities be and hereby is authorized to enter into a rebate agreement with Vermont Energy Investment Corporation dba Efficiency Smart, 1111 Schrock Road, Suite 203, Columbus, Ohio 43229; in accordance with the terms and conditions of the agreement on file in the Office of the Division of Water.

**SECTION 3.** 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 Energy Efficient Lighting Upgrades Project, and such provisions are hereby waived.

**SECTION 4.** That the City Auditor is hereby authorized and directed to appropriate the following:

Division: Water

Dept./Div. No.: 60-09

Fund No.: 606

Fund Name: Water Works Enlargement Voted Bonds Fund

OL3: 6623

**Fund No. | Project No. | Project Name | OCA | Amount**

606 | 690236-100000 (carryover) | Water Main Rehab | 606236 | \$115,026.66  
\*(see RW120828/001)

**SECTION 5.** That the City Auditor is hereby authorized to transfer \$582,598.67 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 6623, as follows:

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

606 | 690236-100000 (carryover) | Water Main Rehab. | 606236 | -\$167,101.98  
(project already has \$52,075.32 appropriated)  
606 | 690236-100063 (carryover) | W. Broad St. WL | 663663 | -\$21,205.78  
606 | 690428-100002 (carryover) | DRWP Cap. Incr. Sludge P.S. | 664282 | -\$394,290.91  
606 | 690534-100000 (carryover) | Energy Effic. Lghtg Upgrade | 606534 | +\$582,598.67

**SECTION 6.** That the 2013 Capital Improvements Budget is hereby amended as follows:

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

606 | 690236-100000 (carryover) | Water Main Rehab. | \$398,141 | \$513,167 | +115,026  
(establish authority to match cash)  
606 | 690236-100000 (carryover) | Water Main Rehab. | \$513,167 | \$346,065 | -\$167,102  
606 | 690236-100063 (carryover) | W. Broad St. WL | \$0 | \$21,206 | +\$21,206  
(establish authority to match cash)  
606 | 690236-100063 (carryover) | W. Broad St. WL | \$21,206 | \$0 | -\$21,206  
606 | 690428-100002 (carryover) | DRWP Cap. Incr. Sludge P.S. | \$36,065,776 | \$35,671,485 | -\$394,291  
606 | 690534-100000 (carryover) | Energy Effic. Lght. Upgrade | \$0 | \$582,599 | +\$582,599

**SECTION 7.** That an expenditure up to \$582,598.67 is hereby authorized for the Energy Efficient Lighting Upgrades Project, within the Water Works Enlargement Voted Bonds Fund, Fund No. 606, Dept.-Div. 60-09, Project No. 690534-100000 (carryover), Object Level Three 6623, OCA Code 606534.

**SECTION 8.** 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 9.** 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 10.** 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 11.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 12.** 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 13.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.