



## Legislation Details (With Text)

**File #:** 1321-2009      **Version:** 1

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

**File created:** 10/5/2009      **In control:** Utilities Committee

**On agenda:** 11/16/2009      **Final action:** 11/17/2009

**Title:** To authorize the Director of Public Utilities to execute a contract with Miles-McClellan Construction Company, for the Southerly Wastewater Treatment Plant Support Facilities Project; to authorize the appropriation, transfer and expenditure of \$10,744,413.00 from the Sewer System Reserve Fund to the Ohio Water Pollution Control Loan Fund; for the Division of Sewerage and Drainage. (\$10,744,413.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 650344 Miles-McClellan Information Included Attachment.pdf, 2. QFF- CIP 650344-1 SWWTP Support Facilities Contract S77.pdf, 3. Sub-Contractor WIF 650344-100001 S77.pdf, 4. 650344 EPA DBE Forms and Summary Page.pdf

Date	Ver.	Action By	Action	Result
11/17/2009	1	ACTING MAYOR	Signed	
11/17/2009	1	CITY CLERK	Attest	
11/16/2009	1	Columbus City Council	Approved	Pass
11/16/2009	1	COUNCIL PRESIDENT	Signed	
11/9/2009	1	Columbus City Council	Read for the First Time	
10/26/2009	1	CITY ATTORNEY	Reviewed and Approved	
10/26/2009	1	Utilities Drafter	Sent to Clerk's Office for Council	
10/23/2009	1	Auditor Reviewer	Reviewed and Approved	
10/23/2009	1	CITY AUDITOR	Reviewed and Approved	
10/23/2009	1	Utilities Drafter	Sent for Approval	
10/22/2009	1	ODI DIRECTOR	Reviewed and Approved	
10/22/2009	1	Utilities Drafter	Sent for Approval	
10/20/2009	1	EBOCO Reviewer	Sent for Approval	
10/19/2009	1	Finance Reviewer	Reviewed and Approved	
10/19/2009	1	Finance Reviewer	Reviewed and Approved	
10/19/2009	1	FINANCE DIRECTOR	Reviewed and Approved	
10/19/2009	1	Utilities Drafter	Sent for Approval	
10/16/2009	1	Utilities Reviewer	Sent for Approval	
10/16/2009	1	UTILITIES DIRECTOR	Reviewed and Approved	
10/16/2009	1	Utilities Drafter	Sent for Approval	

10/13/2009	1	Utilities Reviewer	Reviewed and Approved
10/7/2009	1	Utilities Drafter	Sent for Approval
10/6/2009	1	Utilities Drafter	Sent for Approval
10/6/2009	1	Utilities Reviewer	Reviewed and Approved

1. **BACKGROUND:**

A. **Need.** This legislation authorizes the Director of Public Utilities to execute a construction contract with Miles-McClellan Construction Co., for the Southerly Wastewater Treatment Plant Support Facilities project for the Division of Sewerage and Drainage. This legislation is also needed to authorize the appropriation, transfer and expenditure of \$10,744,413.00 from the Sewer System Reserve Fund 654 to the Water Pollution Control Loan Fund (WPCLF) 666.

The proposed contract with Miles-McClellan Construction Co., is for Contract S77, Support Facilities at the Southerly Wastewater Treatment Plant (SWWTP) and is the first phase of project construction. This contract Work consists of the demolition and removal of existing facilities (1 building); renovation, construction, and repurposing of existing facilities (4 buildings); and construction of additional facilities (1 building); all to provide adequate maintenance and operations support and asset management of the upgraded treatment plant. This work includes material hazard abatement, as well as site, architectural, structural, mechanical, and electrical work.

**Procurement Information:** The Division advertised the Request for Proposals (RFP's) for the subject services in the City Bulletin in accordance with the provisions of Sections of Section 329.14 of the Columbus City Codes. The contract was advertised in the City Bulletin, and bids were received on August 12, 2009, as follows:

- |  |            |     |                 |
|--|------------|-----|-----------------|
| 1. Miles-McClellan Construction Co.      | 31-0987415 | MBE | \$10,744,413.00 |
| 2. Elford, Inc.                          | 31-4371060 | MAJ | \$10,780,100.00 |
| 3. Kokosing Construction Co., Inc.       | 31-1023518 | MAJ | \$11,556,350.00 |
| 4. Kenmore Construction Co., Inc.        | 34-0802152 | MAJ | \$11,657,366.00 |
| 5. PAE & Associates, Inc.                | 31-1365501 | MAJ | \$11,899,050.00 |
| 6. Dugan and Meyers Construction Co.     | 31-0621784 | MAJ | \$12,075,000.00 |
| 7. Messer Construction Co.               | 31-0740877 | MAJ | \$12,080,750.00 |
| 8. Robertson Construction Services, Inc. | 31-1502538 | MAJ | \$13,171,438.75 |

The Engineer's construction cost estimate was \$12,937,500.00.

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

B. **Contract** Compliance No.: 310987415 (MBE) (Expires 03/31/2011)

C. **Emergency Designation:** Emergency designation is not requested.

2. **FISCAL IMPACT:**

This ordinance authorizes the appropriation, transfer and expenditure of \$10,744,413.00 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), and reimburse the Sewer System Reserve Fund. The loan award is tentatively scheduled for the November 19, 2009 OWDA board meeting.

To authorize the Director of Public Utilities to execute a contract with Miles-McClellan Construction Company, for the Southerly Wastewater Treatment Plant Support Facilities Project; to authorize the appropriation, transfer and expenditure of \$10,744,413.00 from the Sewer System Reserve Fund to the Ohio Water Pollution Control Loan Fund; for the Division of Sewerage and Drainage. (\$10,744,413.00)

**WHEREAS**, eight competitive bids for construction of the Southerly Wastewater Treatment Plant Support Facilities project, Contract S77, were received and opened August 12, 2009 in the offices of the Director of Public Utilities; and

**WHEREAS**, the Ohio Water Development Authority (OWDA) is tentatively scheduled to approve a loan to the City of Columbus on November 19, 2009, to provide financing for the above listed project with eligible costs including the construction contract and contingency; the professional engineering services contract modification that includes services during construction services; and capitalized interest; and

**WHEREAS**, sufficient monies will be available within the Sewer System Reserve Fund and transferred to the Water Pollution Control Loan Fund for the aforementioned project expenditure; and

**WHEREAS**, it is immediately necessary to both appropriate funds from the Sewer System Reserve Fund and authorize the transfer of said funds into the Water Pollution Loan Fund, in order to temporarily fund this expenditure, until such time as the City is able to execute a WPCLF loan agreement for the above stated purpose and reimburse the Sewer System Reserve Fund; and

**WHEREAS**, the Division of Sewerage and Drainage engineering personnel have determined it necessary to enter into a construction contract with Miles-McClellan Construction Co., in order to provide for construction of Southerly Wastewater Treatment Plant Support Facilities project, Contract S77; and

**WHEREAS**, the Division of Sewerage and Drainage, Department of Public Utilities is requesting that this Council authorize the Director of Public Utilities to enter into a construction contract with Miles-McClellan Construction Co. for the Southerly Wastewater Treatment Plant Support Facilities project, at the earliest practical date; **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 Miles-McClellan Construction Co., 2100 Builders Place, Columbus, OH 43204, for construction of the Southerly Wastewater Treatment Plant Support Facilities 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.** That from the unappropriated monies in the Sewer System 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 Southerly Wastewater Treatment Plant Support Facilities Project, the sum of \$10,744,413.00 is hereby appropriated to the Division of Sewerage and Drainage; Division 60-05 | ObjLv11 10 | ObjLv13 5502 | OCA Code 901654

**Section 3.** That the City Auditor is hereby authorized to transfer \$10,744,413.00 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 4.** That the expenditure of \$10,744,413.00 or as much thereof as may be needed, be and the same is hereby appropriated and authorized for under the Water Pollution Control Loan Fund No. 666 | Division 60-05 | ObjLv13 6621 | as follows:

**Proj. No | Proj. Name | OCA Code | Amount:**

650344-100001 | Southerly Wastewater Treatment Plant Support Facilities Project | 666344 | \$10,744,413.00

**Section 5.** That upon obtaining other funds for the purpose of funding the sanitary sewer system capital improvement work, the City Auditor is hereby authorized to repay the Sewer System Reserve Fund the amount transferred under the above section, and said funds are hereby deemed appropriated for such purpose.

**Section 6.** 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 are no longer required for said project; except that no transfer shall be made from a project by monies from more than one source.

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

**Section 8.** 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 9.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.