



Legislation Text

File #: 1339-2021, **Version:** 1

BACKGROUND: This Ordinance authorizes the Director of Public Utilities to modify and increase the construction contract with Lehnert Farms/Bolton Field Construction Project, Mod #1, for the Division of Sewerage & Drainage/Stormwater Section, Project No. 610788-100000.

This project involves stormwater system improvements to the Lehnert Farm detention basin. This includes installing approximately 515' of 36" storm sewer and 535' of 42" storm sewer along Norton and Georgesville Roads respectively. This project also involves significant modifications to the existing basin which will provide water quality benefits and improvements to maintenance access.

Planning area is "52 - Westland".

Amount of additional funds to be expended: \$176,188.48

Original Contract Amount: \$1,590,208.15 (PO 248054)

Modification No. 1 (current): \$ 176,188.48

Total (Orig. + Mod. 1) \$1,766,396.63

Reasons additional goods/services could not be foreseen:

The general contractor Facemyer Landscaping LLC encountered existing conditions that were different and significantly worse than was anticipated and identified in the contract documents. The contractor has encountered concealed conditions which will require more extensive demolition and reconstruction than was anticipated or included in the contract documents. The original contract contingency is insufficient to pay for changes that have been identified for the remaining project work. The funds requested for this contract modification will cover the costs of this previously unanticipated work.

Reason other procurement processes are not used:

The work included in this modification is an essential part of the work currently being performed in the original contract. This modification keeps the contractor on schedule to finalize the Lehnert Farms/Bolton Field Construction Project during the 2021 construction season without the need to extend the project into the next calendar year. The additional cost, risk and liability associated with bidding out this work would well exceed any benefit. The work was not anticipated at the time of bid and is determined to be necessary to properly complete elements of work underway on this project.

How cost of modification was determined:

With the assistance of the City Project Manager the Design Professional prepared a Request for Proposal document for the additional work. The Contractor responded to this request with a cost proposal for the services. The City Project Manager and the Design Professional reviewed the Contractor's cost proposal and negotiated a cost to perform this work.

CONTRACT COMPLIANCE INFO: 31-1757841 (expires 3/31/23, WBE, DAX #005926)

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Facemyer Landscaping LLC.

EMERGENCY DESIGNATION: An emergency designation **is requested** for this legislation. **Justification:** Additional storm sewer work has been identified which was not known at the time of bidding but is critical to the storm sewer

system infrastructure.

FISCAL IMPACT: The project provides economic impacts by reducing street, property and structural flooding from the existing stormwater detention basin by installing a secondary outlet. Additionally, environmental benefits will be provided from structural modifications and aquatic plantings to the basin which improve water quality. A transfer of funds within the Storm Sewer Bond Fund 6204 is necessary as well as an amendment to the 2020 Capital Improvements Budget.

To authorize the Director of Public Utilities to modify and increase the construction contract with Facemyer Landscaping LLC, in the amount of \$176,188.48, for additional work needed along Norton and Georgesville Roads for the Lehnert Farms/Bolton Field Construction Project, Division of Sewerage & Drainage, Stormwater Section; to authorize a transfer and expenditure up to \$176,188.48 within the Storm Sewer Bond Fund 6204; to amend the 2020 Capital Improvements Budget, and to declare an emergency. (\$176,188.48)

WHEREAS, Contract No. PO248054 with Facemyer Landscaping LLC was authorized by Ordinance No.1914-2020, passed September 21, 2020, was executed on October 28, 2020, and approved by the City Attorney on November 4, 2020, for the Lehnert Farms/Bolton Field Construction Project; and

WHEREAS, a modification is needed to the contract in order to fund unanticipated work described in the background, in the amount of \$176,188.48; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to execute a modification to the construction contract for the Lehnert Farms/Bolton Field Construction Project; and

WHEREAS, it is necessary to authorize a transfer and expenditure of funds within the Storm Water Bond Fund, for the Division of Sewerage & Drainage, Stormwater Section; and

WHEREAS, it is necessary to authorize an amendment to the 2020 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 Sewerage & Drainage, Stormwater Section, Department of Public Utilities, in that it is immediately necessary to authorize the Director of Public Utilities to modify the contract with Facemyer Landscaping LLC for the Lehnert Farms/Bolton Field Construction Project in order to keep the construction on schedule with the construction contract, 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 is hereby authorized and directed to modify and increase the construction contract with Facemyer Landscaping LLC for the Lehnert Farms/Bolton Field Construction Project in the amount of \$176,188.48.

SECTION 2. That the transfer of \$176,188.48, or so much thereof as may be needed, is hereby authorized between projects within Fund 6204 - Storm Water Bond Fund per the account codes in the attachment to this ordinance.

SECTION 3. That the 2020 Capital Improvement Budget is hereby amended per the accounting codes in the attachment to this ordinance.

SECTION 4. That an expenditure up to \$176,188.48, or so much thereof as may be needed, is hereby authorized in Object Class 06 - Capital Outlay, per the accounting codes in the attachment to this ordinance.

SECTION 5. 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 6. 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 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 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.