



Legislation Text

File #: 2136-2022, **Version:** 1

This legislation authorizes the Director of Public Utilities to modify the construction contract for Utility Cut and Restoration Services with Decker Construction Company to add \$1,200,000.00 in funding for the Division of Water and to extend the term of the contract through August 5, 2023. Various types of utility excavations are performed within the City of Columbus' right-of-way and City owned properties by the Department of Public Utilities. The restoration work typically involves repair of existing pavement, curbs, and sidewalks in a manner conforming to the City of Columbus, Construction and Material Specifications (CMSC). The Department routinely outsources this restoration work to a contractor that is equipped and trained to make these repairs. Typical types of restoration work that require outsourcing involve the installation of wheelchair ramps, asphalt repair involving thermal bond heat weld repairs, asphalt milling machines capable of full width milling, and the delivery of flowable controlled density fill using volumetric mixer trucks. Recent changes to restoration requirements have led to the need to establish additional funding for this contract.

CONSTRUCTION CONTRACT AWARD: The Director of Public Utilities publicly opened one bid on May 8, 2019 from the Decker Construction Company. The bid from Decker Construction Company was deemed the lowest, most responsive and responsible bid. The contract contains a multi-year renewal option.

SUPPLIER: Decker Construction Company (Vendor #004549). Contract Compliance Number: 31-0983557 (expires 12/2/23, Majority).

The company is not debarred according to the Excluded Party Listing System of the Federal Government or prohibited from being awarded a contract according to the Auditor of State Unresolved Findings for Recovery Certified Search.

1. Amount of additional funds: Total amount of additional funds needed for this contract modification No. 5 is \$1,200,000.00. Total contract amount including this modification is \$6,230,000.00.

2. Reason additional funds were not foreseen: The potential need for modifications to add funds was provided for in the original contract.

3. Reason other procurement processes were not used: Work under this renewal is a continuation of services included in the scope of the original bid contract. No lower pricing/more attractive terms and conditions are anticipated at this time.

4. How was cost determined: The cost, terms, and conditions are in accordance with the original agreement.

FISCAL IMPACT: \$1,200,000.00 is budgeted and available within the Water Operating Fund for this contract modification.

\$1,803,481.87 was spent in 2021
\$1,375,249.92 was spent in 2020.

EMERGENCY DESIGNATION: This ordinance is being submitted as an emergency measure because recent changes to restoration requirements have caused costs associated with this contract to increase significantly and to avoid a lack of service availability due to the expiration of the current contract.

To authorize the Director of Public Utilities to modify the contract with Decker Construction Company for Utility Cut and Restoration Services for the Department of Public Utilities; to authorize the expenditure of \$1,200,000.00 from the Water Operating Fund; and to declare an emergency. (\$1,200,000.00)

WHEREAS, one bid for the Utility Cut and Restoration Services was received and publicly opened in the offices of the Director of Public Utilities on May 8, 2019; and

WHEREAS, the sole bid from Decker Construction Company in the amount of \$1,531,042.50 for the first year of the contract, was deemed the lowest, most responsive, and responsible bid; and

WHEREAS, the original contract language allowed for a one (1) year contract with the option to renew the agreement for three (3) additional years based upon mutual agreement, availability of budgeted funds, and approval by City Council; and

WHEREAS, the original contract also allowed for contract modifications to add funding based upon mutual agreement of the parties, availability of budgeted funds, and approval by Columbus City Council; and

WHEREAS, there is a need to add additional funding in the amount of \$1,200,000.00 for the Division of Water and to extend the term of the contract through August 5, 2023; and

WHEREAS, this ordinance authorizes the expenditure of \$1,200,000.00, or so much thereof as may be needed from the Water Operating Fund; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Water in that it is immediately necessary to authorize the Director of Public Utilities to modify the contract with Decker Construction Company to add funding for the Division of Water because recent changes to restoration requirements have caused costs associated with this contract to soar and additional funding needs to be established without delay, all 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 modify the contract for Utility Cut and Restoration Services with Decker Construction Company in accordance with the terms and conditions of the contract on file in the office of the Division of Water to add funding without extending the term of the contract. Total amount of modification No. 4 is \$1,200,000.00. Total contract amount including this modification is \$6,230,000.00.

SECTION 2. That said firm shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Water.

SECTION 3. That this modification is in accordance with the relevant provisions of Chapter 329 of City Code relating to contract modifications and renewals.

SECTION 4. That the expenditure of \$1,200,000.00 or so much thereof as may be needed, is hereby authorized in Fund 6000 Water Operating Fund in object class 03 Services 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 for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby 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.

