



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

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**File #:** 2686-2012, **Version:** 1

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**BACKGROUND:** This ordinance authorizes the Finance and Management Director to re-appropriate certain Clean Fuels Ohio grant proceeds from IMW Industries to Messer Construction and to modify an existing contract on behalf of the Office of Construction Management with Messer Construction for the construction of the compressed natural gas fueling station at 4211 Groves Road.

The original Messer contract was authorized by Ordinance No. 0673-2011, passed May 2, 2011, which authorized the contract for construction of the compressed natural gas (CNG) fueling station. Messer Construction Company was delayed in completing the project due to weather conditions, site conditions, and delivery of equipment, all of which were beyond their control. During this delay, Messer Construction Company exceeded the construction contingency that was established within the contract. Messer Construction Company has since completed the CNG station and it is fully operational today.

Ordinance 0113-2011 authorized the Finance and Management Director to enter into a contract on behalf of the Office of Construction Management with IMW Industries, Inc. for the purchase of compressed natural gas fueling station equipment at 4211 Groves Road. Ordinance 0113-2011 also authorized the expenditure of \$978,000; \$489,000 funded from the Fleet Management Capital Fund 513-004 and \$489,000 funded from the General Government Grant Fund 220. These funds were placed on AC031867.

The \$489,000 in General Government Grant proceeds resulted from a grant awarded to the City of Columbus, Department of Finance and Management, Fleet Management Division, from the United States Department of Energy (DOE) through the local Clean Cities Coalition designee, Clean Fuels Ohio. Ordinance No. 0540-2010, passed April 14, 2010, authorized the Finance and Management Director to enter into a contract with Clean Fuels Ohio and to accept and appropriate the grant. These grant proceeds were used to fund a portion of the CNG fueling station, including equipment purchases.

At the drafting of this ordinance, \$48,900 remains on contract EL011793. This contract was established from AC031867 for the purpose of paying for equipment purchases from IMW. The grant proceeds represented by the \$48,900 are time-sensitive in the sense that if they are not expended within a certain time-frame, the proceeds will lapse. Fleet Management has been successful in obtaining an extension for these grant proceeds through January 31, 2013. This ordinance seeks to re-appropriate these funds to Messer Construction, where CNG related expenses remain and the grant proceeds can be used to pay such expenses prior to their end date. The Department of Finance and Management will process an encumbrance cancellation request form for both EL011793 and AC031867-002 to ensure that sufficient funds are available for re-appropriation.

**Emergency action** is requested so that additional monies can be added to the Messer contract, thereby allowing the City to close it and fully and fairly compensate Messer Construction and to ensure that certain Clean Fuels Ohio grant proceeds can be re-appropriated and expended before the grant expiration date of January 31, 2013.

Messer Construction; Contract Compliance No. 310740877, expiration July 10, 2014.

**Fiscal Impact:** The total cost of this construction contract, once modified, will be \$2,918,165. Funding will be

established from the Fleet Management Capital Fund and the General Government Grant Fund. This ordinance authorizes the re-appropriation and expenditure of \$48,900.00, or so much thereof as may be necessary for this purpose.

To authorize the Finance and Management Director to modify a contract on behalf of the Office of Construction Management with Messer Construction for construction of the compressed natural gas (CNG) fueling station at the Fleet Management Facility at 4211 Groves Road; to re-appropriate \$48,900.00 within the General Government Grant Fund; to authorize the expenditure of \$5,265.00 from the Fleet Management Capital Fund and \$48,900.00 from the General Government Grant Fund; and to declare an emergency. (\$54,165.00)

**WHEREAS**, Ordinance No. 0673-2011, passed May 2, 2011, authorized the contract for construction of the compressed natural gas (CNG) fueling station at 4253 Groves Road; and

**WHEREAS**, it is necessary to modify a contract for the construction of the compressed natural gas fueling station at 4211 Groves Road; and

**WHEREAS**, Messer Construction Company was delayed in completing the project due to the winter weather conditions, site conditions, and late delivery of CNG equipment, all of which were beyond their control; and

**WHEREAS**, Ordinance No. 0540-2010, passed April 14, 2010, authorized the Finance and Management Director to enter into a contract with Clean Fuels Ohio and to accept and appropriate the certain grant proceeds; and

**WHEREAS**, \$48,900 remains on EL011793 and the Finance & Management Department will prepare and submit an encumbrance cancellation form to the Auditor's Office, so that such appropriation can be cancelled to allow for re-appropriation to Messer Construction; and

**WHEREAS**, in order to utilize the Clean Fuels Ohio grant proceeds before they lapse on January 31, 2013, the re-appropriation of \$48,900 from IMW Industries to Messer Construction is necessary; and

**WHEREAS**, an emergency exists in the usual daily operations of the Finance and Management Department, Office of Construction Management in that it is immediately necessary to authorize the Finance and Management Director to modify a contract with Messer Construction Company for construction of the compressed natural gas (CNG) fueling station at 4211 Groves Road, so that the contractor can be fairly compensated for weather, site conditions and delivery of equipment and the contract can be closed thereby preserving the public health, peace, property, safety, and welfare; now therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Finance and Management Director is authorized to modify a contract on behalf of the Office of Construction Management with Messer Construction for the construction of the compressed natural gas fueling station at 4211 Groves Road.

**SECTION 2.** That the expenditure of \$54,165.00, or so much thereof as may be necessary in regard to the action authorized in SECTION 1, be and is hereby authorized and approved as follows:

Division: 45-05  
Fund: 513  
Sub-Fund: 005  
Project: 550001-100002  
OCA Code: 551305  
Object Level 1: 06

Object Level 3: 6651  
Amount: \$5,265.00

Division: 45-05  
Fund: 220  
Grant: 451035-200000  
OCA: 451035  
Object Level 1: 06  
Object Level 3: 6651  
Amount: \$48,900.00

**SECTION 3.** 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 4.** 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 5.** That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account 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.

**SECTION 6.** That for 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 or vetoes the same