



## Legislation Text

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**File #:** 0435-2010, **Version:** 1

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**BACKGROUND:** This Ordinance authorizes the Director of Public Utilities to modify and increase the construction contract with Shelly & Sands, Inc., for the Champion Ave. 24" Water Main Project, for the Division of Power and Water.

This project consisted of constructing a 24-inch water main along Champion Avenue from Maryland Avenue to Main Street. During the construction, a number of unexpected underground utility conflicts were encountered that significantly increased the construction cost of the project. They included an abandoned gas main and a sanitary sewer which were in conflict with the alignment of the water main. Due to other utility constraints the proposed water main could not be relocated to avoid the abandoned gas main. This necessitated the removal of the gas main. There wasn't a record of the sanitary sewer, so it did not appear on the construction plans, nor was it evident in the field during construction of the water main. After the Contractor had constructed the water main, it became apparent that a sanitary sewer had been damaged by the construction. The contractor repaired the sanitary sewer, but the cost to do so, was not a part of the original contract. Finally, the Department of Public Service requested additional pavement replacement above and beyond the quantity shown on the plans approved by the Department of Public Service.

**1. Amount of additional funds to be expended: \$9,891.42**

Original Contract Amount: \$3,005,205.99

Amount of original contract and this modification: \$3,015,097.41

**2. Reason additional goods/services could not be foreseen:**

See above.

**3. Reason other procurement processes are not used:**

This modification kept the contractor on the project and on schedule to finalize the water main construction. The additional cost and liability associated with bidding out this work would well exceed any benefit.

**4. How cost of modification was determined:**

This cost was determined by the final pay request from the contract.

**Contract Compliance Information:** 31-4351261, expires 2/26/12, Majority

**FISCAL IMPACT:** A transfer of funds within the Water Works Enlargement Voted Bonds Fund is necessary, as well as an amendment to the 2009 Capital Improvements Budget.

To authorize the Director of Public Utilities to modify and increase the construction contract with Shelly & Sands, Inc. for additional improvements needed for the Champion Ave. 24" Water Main Project; to authorize a transfer and expenditure of \$9,891.42 within the Water Works Enlargement Voted Bonds Fund; for the Division of Power and Water; and to authorize an amendment to the 2009 Capital Improvements Budget.(\$9,891.42)

**WHEREAS,** Contract No. EL008127 was authorized by Ordinance No. 0619-2008, passed May 12, 2008, was executed on June 12, 2008, and was approved by the City Attorney on June 19, 2008; and

**WHEREAS** the contract needs to be modified due to unforeseen conditions found during construction; 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 Champion Ave. 24" Water Main Project; and

**WHEREAS**, it is necessary for this Council to authorize the City Auditor to transfer funds within the Water Works Enlargement Voted Bonds Fund; and

**WHEREAS**, it is necessary to authorize an amendment to the 2009 Capital Improvements Budget for purposes of providing sufficient funding and expenditure authority for the aforementioned project expenditure; and

**WHEREAS**, it has become necessary in the usual daily operation of the Division of Power and Water, Department of Public Utilities, to authorize the Public Utilities Director to modify and increase the existing contract with Shelly & Sands, Inc. for the Champion Ave. 24" Water Main Project, for the preservation of 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 Director of Public Utilities is hereby authorized and directed to modify and increase the existing construction contract with Shelly & Sands, Inc., due to unforeseen conditions found during construction on the Champion Ave. 24" Water Main Project, in the amount of \$9,891.42.

**SECTION 2.** That this contract modification is in compliance with Section 329.16 of Columbus City Codes, 1959.

**SECTION 3.** That said construction company shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Power and Water.

**SECTION 4.** That the City Auditor is hereby authorized to transfer \$9,891.42 within the Division of Power and Water, Dept/Div. No. 60-09, Water Works Enlargement Voted Bonds Fund, Fund No. 606, Object Level One 06, Object Level Three 6629, as follows:

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

606 | 690286-100000 (carryover) | HCWP Misc. Imp's | 642900 | -\$9,891.42  
606 | 690403-100000 (carryover) | Champion Ave. W.M. | 606403 | +\$9,891.42

**SECTION 5.** That the 2009 Capital Improvements Budget is hereby amended as follows:

**Fund # | Project # | Project Name | Current Authority | Revised Authority | change**

606 | 690286-100000 (carryover) | HCWP Misc. Imp's | \$0 | \$27,063 | +\$27,063 (give authority to cancellation)  
606 | 690286-100000 (carryover) | HCWP Misc. Imp's | \$27,063 | \$17,171 | -\$9,892  
606 | 690403-100000 (carryover) | Champion Ave. W.M. | \$0 | \$9,892 | +\$9,892

**SECTION 6.** That the expenditure of \$9,891.42 is hereby authorized for the Champion Ave. 24" Water Main Project within the Water Works Enlargement Voted Bonds Fund, Fund No. 606, Division 60-09, Project No. 690403-100000 (carryover), Object Level One 06, Object Level Three 6629, OCA 606403.

**SECTION 7.** 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 8.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 9.** 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 10.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.