



# City of Columbus

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

## Legislation Text

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**File #: 1068-2005, Version: 1**

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**BACKGROUND:** This legislation waives the Columbus City Code provisions for competitive bidding and authorizes the Public Utilities Director to enter into a contract with Vaughn Industries, LLC to provide labor, equipment and material required to bring all of the Division of Electricity's facilities up to the revised U.S. EPA mandate for the Clean Water Act of 1974 Federal Regulations, Title 40, Part 112 for Oil Pollution Prevention. This legislation also authorizes the transfer of \$133,048.20 within the Voted 1995 and 1999 Street Lighting and Electricity Distribution Improvements fund to provide sufficient funding in the appropriate project for the aforesaid contract and authorizes an amendment to the 2004 Capital Improvements Budget.

The Division of Electricity has developed a plan for Spill Prevention Control and Countermeasures (SPCC), as required by federal law, and advertised for bids for the installation of SPCC containment systems, SA001586. Five vendors, all majority business enterprises, requested and paid for plans and specifications. Bids were opened by the Director of Public Utilities on April 27, 2005 and Vaughn Industries, LLC submitted the only bid received. Their bid included a bid bond of 1% instead of the 10% required in the bid specifications, therefore, the bid is non-responsive. In order to meet the mandated completion date of February 18, 2006, it is requested that the provisions of Columbus City Code, Section 329.09, be waived to award Items Number 1 through 9 and Items Number 11 through 15. Item Number 10, Control Building, will not be awarded at this time but will be rebid in the future when additional funding becomes available. Temporary measures will be taken in lieu of building a new control building so that the project will not be delayed.

Vaughn Industries, LLC is a majority owned business enterprise and their contract compliance number is 364381623.

Emergency action is requested in order that the contract may be awarded and the project completed by February 18, 2006 as mandated by the United States Environmental Protection Agency. Failure to complete the project as mandated could result in substantial fines to the City.

**FISCAL IMPACT:** There is sufficient funding in the Voted 1995 and 1999 Street Lighting and Electricity Distribution Improvements Fund. A transfer of funds into the appropriate project and an amendment to the 2004 Capital Improvements Budget is necessary.

To amend the 2004 Capital Improvements Budget, to authorize the City Auditor to transfer \$133,048.20 within the Voted Street Lighting and Electricity Distribution Improvements Fund; to authorize the Director of Public Utilities to enter into a contract with Vaughn Industries, LLC for the installation of federally mandated Spill Prevention Control and Countermeasures Systems; to waive the provisions of Columbus City Codes for awarding construction service contracts; to authorize the expenditure of \$624,998.70 from the Voted Street Lighting and Electricity Distribution Improvements Fund; and to declare an emergency. (\$624,998.70)

WHEREAS, the United States Environmental Protection Agency has mandated by change to the Clean Water Act of 1974 the requirement that Spill Prevention, Control and Countermeasures (SPCC) must be implemented by February 18, 2006; and

WHEREAS, the Department of Public Utilities advertised and opened bids for the installation of SPCC systems on April 27, 2005; and

WHEREAS, Vaughn Industries, LLC submitted the only bid received; and

WHEREAS, the bid by Vaughn Industries, LLC was non-responsive because the bid bond submitted did not meet specifications; and

WHEREAS, in order to meet the mandated completion date for this project, it is necessary to waive the Columbus City Code provisions of competitive bidding to award a contract to Vaughn Industries, LLC based upon the bid as submitted; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Electricity, in that it is immediately necessary to enter into a contract with Vaughn Industries, LLC for the installation of SPCC systems in order to comply with the United States Environmental Protection Agency's mandated completion date 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 2004 Capital Improvements Budget is hereby amended as follows:

PUBLIC UTILITIES/ELECTRICITY 60-07

<u>PROJECT NAME</u>	<u>PROJECT NUMBER</u>	<u>CURRENT CIB</u>	<u>AMENDED CIB</u>
Distribution Improvements	670608	915,530	782,481
Federal Mandated Spill Prevention	670619	1,350,512	1,483,561

**SECTION 2.** That the city Auditor is hereby authorized and directed to transfer \$133,048.20 within the Voted 1995 and 1999 Street Lighting and Electricity Distribution Improvements Fund 553, Division No. 60-07, as follows:

**FROM:**

Project 670608 | Distribution Improvements | OCA 670608 | OL3 6621 | \$133,048.20

**TO:**

Project 670619 | Federal Mandated Spill Prevention | OCA 670619 | OL3 6621 | \$133,048.20

**SECTION 3.** That in accordance with Section 329.27 of the Columbus City Code, this Council finds the best interest of the City is served by waiving, and does hereby waive Section 329.09, Process for awarding construction service contracts exceeding twenty thousand dollars.

**SECTION 4.** That the Director of Public Utilities is hereby authorized to enter into a contract with Vaughn Industries, LLC, in the amount of \$624,998.70 to install Spill Prevention Controls and Countermeasures containment systems for the Division of Electricity.

**SECTION 5.** That to pay the cost of the aforesaid contract, the expenditure of \$624,998.70, or so much thereof as may be needed, be and is hereby authorized from the Voted 1995 and 1999 Street Lighting and Electricity Distribution Improvements Fund 553, Division No. 60-07, Federal Mandated Oil Spill Prevention Project Number 670619, OCA 670619, Object Level Three 6621.

**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.