



Legislation Text

File #: 1726-2007, Version: 1

1. **BACKGROUND:**

A. Need. This legislation authorizes the Director of Public Utilities to enter into a construction contract with C. J. Mahan Construction Company, LLC for the Southerly Wastewater Treatment Plant New Effluent Pump Station and Effluent Conduit project for the Division of Sewerage and Drainage. This legislation also authorizes a transfer of cash and amends the 2007 Capital Improvements Budget. Additionally, this legislation will authorize the appropriation of funds from the Ohio Water Development Authority (OWDA); and authorize the expenditure of funds from the loan for the construction contract.

This is a contract for one of the key, time-critical wastewater plants construction projects in the City's Wet Weather Management Plan (WWMP) program, for the period through 2010. The work in this program is a very substantial group of sewer capital improvement projects (CIPs), both collections systems and treatment works improvements, which have been agreed to by the City and Ohio EPA in order to conform to the requirements of the City's consent orders.

The proposed contract with C. J. Mahan Construction Company, LLC, is for Contract S71. This contract work consists of the construction of an Effluent Pump Station, Effluent Control Building, Effluent Metering Chamber, Effluent Metering Building, Effluent Transition Chamber, Effluent Sampling Building, Effluent Electrical Building, Disinfection Effluent Conduit, Effluent Conduit, Effluent Conduit Structure, excavation, backfilling, new roadways and pavement, underground utilities installation, installation of mechanical and electrical equipment, and other work as shown and described in the Bidding Documents.

The contract was advertised in the City Bulletin, and bids were received on September 5, 2007, as follows:

1. C. J. Mahan Construction Company, LLC | Majority Firm | \$48,849,350.00
 2. Kokosing Construction Company, Inc. | Majority Firm | \$48,977,500.00
- The Engineer's construction cost estimate was \$48,290,000.00

Award is recommended to the lowest and best bidder.

B. Contract Compliance No.: 72-1576467 (MAJ) (Expires 9/10/2009)

C. Emergency Designation: The Division of Sewerage and Drainage is requesting City Council to designate this ordinance an emergency measure in order to allow for the immediate commencement of this work. This expediency is justified in order to fulfill the City's capital improvement project scheduling commitments set forth within the consent agreement between the City and the Ohio Attorney General's Office that addresses the City's wet weather wastewater overflows.

2. **FISCAL IMPACT:**

Monies for this project are provided from three sources: \$31,449,349.51 from an upcoming January 2008 Sanitary Bond Sale within the Sanitary Sewer Revenue Bonds Fund; \$41,700.49 from leftovers in the Voted Sanitary Sewer Bond Fund; and a \$17,358,300.00 loan appropriation from the Ohio Water Development Authority, Loan No. 4814. This legislation includes a transfer of cash from the Voted Sanitary Sewer Bond Fund 664 to the Sanitary Sewer Revenue Bonds Fund 665, will amend the 2007 Capital Improvements Budget to create and provide sufficient budget authority, and will authorize a total expenditure of \$48,849,350.00 between the Bond Fund and the OWDA Fund.

To authorize the Director of Public Utilities to enter into a construction contract with C. J. Mahan Construction Company, LLC, in connection with the Southerly Wastewater Treatment Plant New Effluent Pump Station and Effluent Conduit project, for the Division of Sewerage and Drainage; to authorize the transfer of monies from the Voted Sanitary Sewer Bond Fund 664 to the Sanitary Sewer Revenue Bonds Fund 665; to authorize the expenditure of \$31,491,050.00 within the Sanitary Sewer Revenue Bonds Fund from monies that will be available from the proposed upcoming Sanitary Bond Sale; to authorize the appropriation and expenditure of

\$17,358,300.00 within the Ohio Water Development Authority Loan Fund; to amend the 2007 Capital Improvements Budget; for the Division of Sewerage and Drainage; and to declare an emergency. (\$48,849,350.00)

WHEREAS, two competitive bids for construction of the Southerly Wastewater Treatment Plant New Effluent Pump Station and Effluent Conduit project, Contract S71, were received and opened September 5, 2007 in the offices of the Director of Public Utilities; and

WHEREAS, the Division of Sewerage and Drainage engineering personnel have determined it necessary to enter into a construction contract with C. J. Mahan Construction Company, LLC, in order to provide for construction of Southerly Wastewater Treatment Plant New Effluent Pump Station and Effluent Conduit capital improvements project, Contract S71; and

WHEREAS, the majority of the needed monies will be available within the Sanitary Sewer Revenue Bonds Fund, through the proposed upcoming January 2008 Sanitary Bond Sale, and the Ohio Water Development Authority Loan Fund, for the aforementioned project expenditure; and

WHEREAS, it is necessary to authorize the transfer and appropriation of funds from the Voted Sanitary Sewer Bond Fund 664 to the Sanitary Sewer Revenue Bonds Fund 665 for purposes of providing sufficient funding for the aforementioned project expenditure; and

WHEREAS, the Ohio Water Development Authority (OWDA) has a loan for the City of Columbus scheduled for approval on December 13, 2007, in the amount of \$17,358,300.00, identified as OWDA Account Number 4814 for the above listed project with eligible costs including the construction contract and contingency; and

WHEREAS, it is immediately necessary to appropriate the proceeds from the aforementioned loan, authorize the expenditure of funds required to award the subject contract, and provide the requisite budget authority for said award; and

WHEREAS, it is necessary to amend the 2007 Capital Improvements Budget to create sufficient budget authority for the project expenditure; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Sewerage and Drainage, Department of Public Utilities, in that it is immediately necessary for this Council to authorize the Director of Public Utilities to execute a construction contract with C. J. Mahan Construction Company, LLC, in connection with the Southerly Wastewater Treatment Plant New Effluent Pump Station and Effluent Conduit project, in order to fulfill the City's capital improvement project scheduling commitments set forth within the consent agreement between the City and the Ohio Attorney General's Office that addresses the City's wet weather wastewater overflows; 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, contingent on the sale of Sanitary Sewer Bonds, authorized to enter into a contract with C. J. Mahan Construction Company, LLC, 3400 Southwest Blvd., Grove City, Ohio 43123, for construction of the Southerly Wastewater Treatment Plant New Effluent Pump Station and Effluent Conduit project in accordance with the terms and conditions as shown on the contract on file in the office of the Division of Sewerage and Drainage.

Section 2. That the proceeds from the Ohio Water Development Authority Loan No. 4814, for the Southerly Wastewater Treatment Plant New Effluent Pump Station and Effluent Conduit project; and funds from the unappropriated monies in Fund No. 666, the amount of \$17,358,300.00, which includes funding for the cost of construction, is hereby appropriated to the Division of Sewerage and Drainage | Division 60-05 | Fund No. 666 | Object Level 6624 | OCA Code 666363 | Project No. 650363.

Section 3. That for the purpose of paying the cost of the construction contract, the following expenditures, or as much thereof as may be needed, be and the same is hereby authorized as follows:

Division | Fund | Project No. | Project Name | Object Level Three | OCA | Amount

60-05 | 665 | 650363 | SWWTP New Effluent Pump Station & Effluent Conduit | 6624 | 665363 | \$31,491,050.00

60-05 | 666 | 650363 | SWWTP New Effluent Pump Station & Effluent Conduit | 6624 | 666363 | \$17,358,300.00

Section 4. That the City Auditor is hereby authorized to transfer \$41,700.49 from the Voted Sanitary Sewer Bond Fund 664 to the Sanitary Sewer Revenue Bonds Fund 665 | Division of Sewerage and Drainage 60-05 | OCA 900738 | Object Level3 5501;

FROM:

Proj. No. | Proj. Name | Fund | Amount

650732 | Town St. Sanitary | Fund 664 | \$41,700.49

TO:

Proj. No. | Proj. Name | Fund | Amount

650363 | SWWTP New Effluent Pump Station & Effluent Conduit | Fund 665 | \$41,700.49

Section 5. That \$41,700.49 is hereby appropriated to the SWWTP New Effluent Pump Station & Effluent Conduit Project, within the Sanitary Sewer Revenue Bond Fund | Fund 665 | Division 60-05 | Project No. 650363 | Object Level Three 6624 | OCA Code 665363.

Section 6. That the 2007 Capital Improvements Budget Ordinance No. 0733-2007 is hereby amended as follows, to create and provide sufficient budget authority for the execution of the cost agreement stated herein:

Project No. | Project Name | Current Authority | Revised Authority | (Change)

650363 | SWWTP New Effluent Pump Station & Effluent Conduit | \$34,002,050 | \$34,043,751 | (+\$41,701)

Section 7. That the City Auditor is hereby authorized 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 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 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 which 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.