



Legislation Text

File #: 2761-2012, **Version:** 1

1. BACKGROUND:

This legislation authorizes the Director of Public Service to modify and transfer the existing contract with Performance Site Environmental LLC to Environmental Enterprises Inc. for the for the location, control, capture, and disposal of escaped bio-diesel fuel, contaminated water, contaminated soil; and the reclamation of the property located at 2100 Alum Creek Drive, Columbus, Ohio 43207, to the standards established by the Ohio Environmental Protection Agency and the Bureau of Underground Storage Tank Regulations. This contract was authorized with the September 24, 2007, Mayor's Emergency in the amount of \$400,000.00.

Ordinance 0588-2008 extended this contract through December 31, 2011, increased the contract amount by an additional \$788,000.00 and established purchase order EL008129 which is now expired with a remaining balance of \$177,165.00.

Ordinance 1029-2012 cancelled purchase order EL008129 and extended the contract through December 31, 2013 with the option to extend the contract for one additional year through December 31, 2014, subject to councilmanic approval, and increases the contract amount by an additional \$25,000.00 to a total contract amount of \$1,213,000.00. This ordinance established purchase order EL012945 in the amount of \$202,165.00 for payment of this contract.

Even though previous contracts were with Performance Site Environmental LLC, Environmental Enterprises Inc. was subcontracted by Performance Site Environmental LLC to perform the contracted work. Performance Site Environmental has decided to no longer provide these services and it is in the best interest for the City of Columbus to directly contract with Environmental Enterprises Inc. to perform these duties.

The remaining balance on the existing contract EL012945 with Performance Site Environmental LLC is \$132,766.00. This contract is to be cancelled.

This ordinance authorizes the encumbrance and expenditure of \$132,765.00 or so much thereof as may be necessary for this purpose with Environmental Enterprises Inc.

2. BID WAIVER

This legislation also waives the formal competitive bidding requirements of the Columbus City Code. It is in the best interest of the City to transfer and modify the current contract established with Performance Site Environmental to Environmental Enterprise Inc. (EEI) so that this project is completed in a more timely matter.

2. CONTRACT COMPLIANCE

Environmental Enterprises Inc. contract compliance number is 310895554 and expires 5/13/2013.

3. FISCAL IMPACT

Funding for this project is available within the Refuse G.O. Bond Fund no. 703, and the General Permanent Improvement Fund no. 748. C.I.B amendments are necessary to move monies and authority to the appropriate project.

4. EMERGENCY ACTION

Emergency action is requested in order to ensure remediation efforts are not halted. It is in the best interest of the City to ensure remediation of this spill is completed as soon as possible.

To authorize the Director of Public Service to modify and transfer the existing contract with Performance Site Environmental to Environmental Enterprises Inc.; to cancel encumbrance EL012945; to amend the 2012 C.I.B; to

authorize the encumbrance and expenditure of monies with the Refuse G.O Bond Fund and the General Permanent Improvement Fund for the Department of Public Service; to waive the formal competitive bidding requirements of the Columbus City Code; and declare an emergency. (\$132,765.00)

WHEREAS, the Division of Refuse Collection determined that a bio-diesel fuel tank was leaking at 2100 Alum Creek Drive, Columbus, Ohio 43207, and

WHEREAS, it is necessary to transfer the existing contract with Performance Site Environmental to Environmental Enterprises Inc. to locate, control, capture and dispose of escaped bio-diesel fuel pursuant to the Mayor's Emergency Letter dated September 24, 2007, and

WHEREAS, it is necessary to amend the 2012 C.I.B. and transfer funds to the appropriate project within the Refuse G.O. Bonds Fund and the General Permanent Improvement Fund; and

WHEREAS, it is necessary to authorize this expenditure in order to provide adequate operating resources for the Division Refuse Collection; and

WHEREAS, the provision of Columbus City Code Section 329.06 must be waived; and

WHEREAS, an emergency exists in the usual daily operation of the Department Public Service, Division of Refuse Collection in that it is immediately necessary to authorize the purchase order with Environmental Enterprises Inc. to allow for services to continue 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 Director of Public Service is authorized to modify and transfer the existing contract with Performance Site Environmental to Environmental Enterprises Inc. 10163 Cincinnati-Dayton Rd. Cincinnati, OH 45241 for services rendered, fines, and other expenses on behalf of the Division of Refuse Collection to mitigate environmental and damage at 2100 Alum Creek Drive, caused by the accidental discharge of bio-diesel fuel leaking from a fuel tank. The contract is through December 31, 2013 with the option to extend the contract for one additional year through December 31, 2014, subject to councilmanic approval.

SECTION 2. That in accordance with Section 327.27 of the Columbus City Code, City Council has determined that it is in the best interest of the City of Columbus that Section 329.06 relating to formal competitive bidding requirements be waived and hereby waives said section.

SECTION 3. That the City Auditor is authorized to cancel purchase order EL012945, returning monies to:

| <u>Fund / Dept - Div / Project / Project Name / O.L. 01-03 Codes / OCA Code / Amount</u> |
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| 703 / 59-02 / 520004-100000 / Alum Creek Remediation / 06-6602 / 703004 / \$116,347.85 |
| 748 / 59-02 / 520004-100000 / Alum Creek Remediation / 06-6602 / 748004 / \$16,418.65 |

SECTION 4. That the 2012 Capital Improvement Budget authorized by Ordinance 0368-2012 be amended due to the cancellation described in Section 2 as follows:

| <u>Fund / Dept - Div / Project / Project / Current CIB Amount / amendment amount / CIB amount as amended</u> |
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| 703 / 59-02 / 520004-100000 / Alum Creek Remediation (Carryover) / \$0.00 / \$116,344.71/ \$116,347.85 |
| 748 / 59-02 / 520004-100000 / Alum Creek Remediation (Carryover)/ \$0.00 / \$16,418.65 / \$16,418.65 |

SECTION 5. That the Director of Public Service is authorized to encumber and expend \$132,765.00 or so much thereof as may be necessary for this purpose.

| <u>Fund / Dept. - Div. / Project / Project Name / O.L. 01-03 Codes / OCA Code / Amount</u> |
|--|
| 703 / 59-02 / 520004-100000 / Alum Creek Remediation / 06-6602 / 703004 / \$116,347.00 |

748 / 59-02 / 520004-100000 / Alum Creek Remediation / 06-6602 / 748004 / \$16,418.00

SECTION 6. 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 7. 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 8. 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 9. 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 approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.