



Legislation Text

File #: 1374-2009, **Version:** 1

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a construction contract with Complete General Construction Company, in the amount of \$123,509.00; to encumber funds with the Transportation Division for inspection, testing and prevailing wage coordination services in the amount of \$20,000.00; for the 3568 Indianola Avenue Trench Drain Project, Division of Power and Water Contract Number 1104.

This project consists of installing approximately 400 linear feet of 6" sanitary sewer, oil/water separator, and 40 linear feet of interior trench drain and associated plumbing and appurtenances.

2. CONSTRUCTION CONTRACT AWARD: The Director of Public Utilities publicly opened six bids on September 16, 2009. Bids were received from: Complete General Construction Company - \$113,509.00; Righter Co. - \$114,730.00; Seals Construction - \$134,168.10; Conie Construction - \$147,499.00; Bale Contracting - \$173,384.20; and TFH-EB Inc., dba The Waterworks - \$411,272.73 (after bid tabulation).

At the bid opening TFH-EB Inc., dba The Waterworks was the apparent lowest bidder at \$89,848.93. However, once the bids were tabulated using the unit prices, an error were discovered in the Waterworks's bid. They recorded a unit total price of line item #9 of \$7,492.39 and an extended total price of \$7,492.39. This was incorrect because the unit price should have been multiplied by a quantity of 40 to arrive at the extended total price. The following rule is printed on the bottom of the contractor's Unit Price Bid Forms:

"THE BIDDERS TOTAL ABOVE IS HIS TOTAL BID BASED ON UPON HIS UNIT PRICES AND LUMP SUM PRICES AND THE ESTIMATED QUANTITIES SHOWN ON THE PLANS. THIS FIGURE IS FOR INFORMATION AT THE TIME OF THE OPENING OF THE BIDS ONLY. THE CITY WILL MAKE THE TABULATION FROM THE UNIT PRICES AND LUMP SUM PRICE BID. IF THERE IS AN ERROR IN THE TOTAL BY THE BIDDER, IT SHALL BE CHANGED AS ONLY THE UNIT PRICES AND LUMP SUM PRICES SHALL GOVERN."

Therefore, Complete General Construction Company is considered the lowest, best, responsive and responsible bidder. Their Contract Compliance Number is 31-4366382 (expires 1/30/10, Majority).

Due to the potential for unanticipated problems with crossing a 4" sanitary sewer, an additional contingency amount of \$10,000 is added to the bid price. This contingency will be utilized following the requirements for Force Account work set forth in the contract documents. Additional information regarding all bidders, description of work, contract time frame and detailed amounts can be found on the attached Legislation Information Form.

EMERGENCY DESIGNATION: It is requested that this Ordinance be handled in an emergency manner in order to have an executed contract before January 1, 2010. This would allow for completion of the project before winter weather as this project will help to prevent area flooding. Additionally, it provides for inspection services by staff of the Transportation Division.

3. FISCAL IMPACT: This legislation includes a transfer of funds within the Water Works Enlargement Voted Bonds Fund and an amendment to the 2009 Capital Improvements Budget.

To authorize the Director of Public Utilities to execute a construction contract with Complete General Construction Company for the 3568 Indianola Avenue Trench Drain Project; for the Division of Power and Water; to provide for payment of inspection, material testing and related services to the Transportation Division; to authorize the transfer and expenditure of \$143,509.00 within the Water Works Enlargement Voted Bonds Fund; to authorize an amendment to the 2009 Capital Improvements Budget; and to declare an emergency. (\$143,509.00)

WHEREAS, six bids for the 3568 Indianola Avenue Trench Drain Project were received and publicly opened in the offices of the Director of Public Utilities on September 16, 2009; and

WHEREAS, the apparent low bidder was TFH-EB Inc., dba The Waterworks, however, there was an error in their pricing which caused their bid to become the highest; and

WHEREAS, it was determined that Complete General Construction Company submitted the lowest, best, responsive and responsible bid proposal in the amount of \$113,509.00 plus an additional \$10,000 for contingencies; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract and to encumber and expend funds to provide for payment of inspection, testing and prevailing wage coordination services costs associated with the 3568 Indianola Avenue Trench Drain 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, an emergency exists in the usual daily operation of the Division of Power and Water, Department of Public Utilities, in that it is immediately necessary to authorize the Director of Public Utilities to enter into a construction contract with Complete General Construction Company for the 3568 Indianola Avenue Trench Drain Project, in an emergency manner in order to have construction completed before winter weather as this project will help to prevent area flooding, 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 authorized to award and execute a construction contract for the 3568 Indianola Avenue Trench Drain Project with the lowest and best bidder, Complete General Construction Company, 1221 E. Fifth Ave., Columbus, Ohio 43219; in the amount of \$123,509.00; in accordance with the terms and conditions of the contract on file in the Office of the Division of Power and Water; and to obtain the necessary inspection, testing and prevailing wage coordination services from the Transportation Division and to pay up to a maximum amount of \$20,000.00.

SECTION 2. That the City Auditor is hereby authorized to transfer \$143,509.00 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 6621, as follows:

Project No. | Project Name | OCA Code | change

690480-100000 (carryover) | Morse/Hamilton Booster Station | 606480 | -\$87,861.64

690443-100000 (carryover) | HCWP Basin Imp's | 606443 | -\$55,647.36

690026-100006 (carryover) | Indianola Trench Drain | 642900 | +\$143,509.00

SECTION 3. That the 2009 Capital Improvements Budget is hereby amended as follows:

Fund No. | Project No. | Project Name | Current Authority | Revised Authority | change

606 | 690480-100000 (carryover) | Morse/Hamilton Booster Station | \$87,862 | \$0 | -\$87,862

606 | 690443-100000 (carryover) | HCWP Basin Imp's | \$108,783 | \$53,136 | -\$55,647

606 | 690026-100006 (carryover) | Indianola Trench Drain | \$0 | \$143,509 | +\$143,509

SECTION 4. That the expenditure of \$143,509.00 is hereby authorized for the 3568 Indianola Avenue Trench Drain Project within the Water Works Enlargement Voted Bonds Fund, Fund No. 606, Division 60-09, Project No. 690026-100006 (carryover), Object Level Three 6621, OCA Code 642900.

SECTION 5. 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 6. 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 7. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 8. 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 9. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is 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.