



Legislation Text

File #: 0421-2012, **Version:** 1

1. BACKGROUND:

This legislation will authorize the Director of Public Utilities accept a \$185,000.00 U.S. Department of Homeland Security grant from the State Homeland Security Grant Program administered by Franklin County. The grant is for the construction of fiber optic cabling from the intersection of Stelzer and Morse Roads to the Hap Cremean Water Plant Administration Building, Main Plant Facility and future Gatehouse. Further it will allow for the Director to enter into an Intergovernmental Agreement with Franklin County Emergency Management & Homeland Security Agency for the grant, to establish a contract with Echo 24 Inc., and appropriate the funds necessary to construct the project.

Protecting our drinking water facilities is extremely important. This network infrastructure augmentation is designed to enhance security for the aforementioned facilities and Hoover Dam. The grant award amount is \$185,000.00 and is a reimbursable grant. This project will be paid for out of the Water Grant Fund and said fund will be reimbursed through the grant upon completion of the project via request to Franklin County Emergency Management & Homeland Security. There are no match requirements for this grant.

2. BID WAIVER REQUEST: The Department of Public Utilities and Department of Technology (DoT) have been working in tandem to take advantage of Homeland Security Grant funding for installation of new fiber for the Hap Cremean Water Plant (HCWP). Grant funding was secured in September 2011 with a projected installation date of first quarter 2012. To maintain the grant funding, installation must be complete by February 2013. DoT has a current Universal Term Contract (UTC) contract that was competitively bid and their intent was to utilize this contractor (Echo 24 Inc.) for the installation. Echo 24 Inc. provided initial budget prices which were used in the grant application and later provided a detailed construction estimate (which included Davis Bacon Federal Wage rates). In discussions with City Purchasing, DoT discovered this UTC could not be used to award this work. Therefore, the Department of Public Utilities would like to request waiving competitive bidding to award this contract to Echo 24 Inc. for the following reasons:

- Project needs to be completed by February 2013 or City will lose the \$185,000 grant (this covers entire project cost)
- Project overlaps with the SWACO/Refuse new Eco Station (trash transfer station) on the HCWP site
- Location of fiber install will interfere with Eco Station temporary parking; the sooner fiber is installed the less impact to Eco Station project
- Competitive process was utilized to select contractor (Echo 24 Inc.) although this work has been determined to be larger in scope than original UTC bid. Echo 24 Inc submitted a proposal which includes the paying of Davis-Bacon Wages per federal guidelines.

The Contract Compliance Number for Echo 24 Inc. is 31-1753698 (expires 7/26/13, Majority).

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Echo 24 Inc.

3. EMERGENCY:

This grant award has been offered to the Department of Public Utilities and it is immediately necessary to accept the grant and appropriate the funds. The Department of Public Utilities is requesting City Council deem this legislation an emergency measure to allow the Director to establish the contract necessary to fund this project, so construction can begin in an expedient manner in order to complete the project within the time frame of the grant requirements.

4. FISCAL IMPACT:

The grant award amount is \$185,000.00 and it is a reimbursable grant. This project will be initially paid for out of the

Water Grant Fund and said fund will be reimbursed from the grant upon the completion of the project via request to Franklin County Emergency Management & Homeland Security. This Ordinance also requests the authority for the City Auditor to appropriate the proceeds of the grant for purposes of funding this project work. There are no match requirements for this grant.

To authorize and direct the Director of Public Utilities to accept and enter into an Intergovernmental Agreement with Franklin County Emergency Management & Homeland Security Agency for a U.S. Homeland Security Grant; for the purchase and installation of fiber optic cabling at the Hap Cremean Water Plant; to authorize the Director of Public Utilities to establish a contract with Echo 24 Inc.; to waive the provisions of competitive bidding; for the Division of Power and Water; in the amount of \$185,000.00; within the Water Grant Fund; to appropriate the funds necessary to construct the project; and to declare an emergency. (\$185,000.00)

WHEREAS, the Franklin County Emergency Management & Homeland Security agency has issued a grant in the amount of \$185,000.00 to the City of Columbus Department of Public Utilities for the purchase and installation of fiber optic cabling from the intersection of Stelzer and Morse Roads to the Hap Cremean Water Plant Administration Building, Main Plant Facility and future Gatehouse; and

WHEREAS, the Department of Public Utilities was initially under the assumption that the current Universal Term Contract with Echo 24, Inc. could be used to provide these services and has since learned it cannot; and

WHEREAS, the Director of Public Utilities believes it is within the City's best interest to waive provisions of competitive bidding so that construction can begin in an expedient manner in order to complete the project within the time frame of the grant requirements; and

WHEREAS, it is necessary to authorize and direct the Director of Public Utilities to accept and enter into said grant agreement and to appropriate and expend the funds; and

WHEREAS, it is necessary for this Council to authorize the City Auditor to accept and appropriate funds within the Water Grant Fund to pay for the construction of the project to be reimbursed by the grant upon completion of the project; and

WHEREAS, the Director of Public Utilities is required to be authorized by Council to enter into the grant agreement; to accept the grant money; and appropriate the funds necessary to construct the project; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Power and Water in that it is immediately necessary to authorize the Director of Public Utilities to accept the grant and appropriate the funds so that the terms and conditions of the grant agreement between the City of Columbus and the Franklin County Emergency Management & Homeland Security agency are accomplished; in an emergency manner in order to complete the project within the time frame of the grant requirements; 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 and directed accept a grant in the amount of \$185,000.00 and enter into an Intergovernmental Agreement with Franklin County, for the purchase and installation of fiber optic cabling from the intersection of Stelzer and Morse Roads to the Hap Cremean Water Plant Administration Building, Main Plant Facility and future Gatehouse.

SECTION 2. That this Council finds it in the best interest of the City of Columbus to waive the provisions of Section 329.06 of the Columbus City Code, 1959, in order to contract for the purchase and installation of fiber optic cabling at the Hap Cremean Water Plant, and such provisions are hereby waived.

SECTION 3. That the Director of Public Utilities be and is hereby authorized and directed to establish a contract for the purchase and installation of fiber optic cabling at the Hap Cremean Water Plant, with Echo 24, Inc., in a total amount of \$185,000.00, through the Water Grant Fund, for the Division of Power and Water, Department of Public Utilities.

SECTION 4. That the Department of Public Utilities has committed to administer the grant through grant coordination, grant reporting, grant fund pay requests, and contract administration services.

SECTION 5. That from the unappropriated monies in the Water Grant Fund, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2013, the sum of \$185,000.00 shall be appropriated to the Department of Public Utilities, Department 60-09, as follows:
Grant Title: State Homeland Security Grant Program | Water Grant Fund No. 620 | Grant No. 601003 | OCA Code: 601003 | Object Level 3: 6649 | Amount: \$185,000.00.

SECTION 6. That for the purpose of paying the cost of the aforementioned grant project, the expenditure of \$185,000.00 is hereby authorized within the Division 60-09 | Water Grant Fund No: 620 | Grant No. 601003 | OCA Code: 601003 | Object Level 3: 6649 | Amount: \$185,000.00.

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. At the end of the grant period, any repayment of unencumbered balances required by the grantor is hereby authorized and any unused City match monies may be transferred back to the City fund from which they originated in accordance with all applicable grant agreements.

SECTION 11. Funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

SECTION 12. 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 approved nor vetoes the same.