



## Legislation Details (With Text)

**File #:** 1736-2013      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 6/28/2013      **In control:** Public Utilities Committee

**On agenda:** 7/22/2013      **Final action:** 7/25/2013

**Title:** To authorize the Director of Public Utilities to execute a construction contract with K & W Roofing, Inc. for the Hap Cremean Water Plant Roof Restoration Project; for the Division of Water; to authorize a transfer and expenditure up to \$502,430.50 within the Water Works Enlargement Voted Bonds Fund; to amend the 2013 Capital Improvements Budget; and to waive the provisions of competitive bidding. (\$502,430.50)

### Sponsors:

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### Code sections:

**Attachments:** 1. ORD 1736-2013 Bid Tab, 2. ORD 1736-2013 QFF, 3. ORD 1736-2013 Information, 4. ORD 1736-2013 Bid Waiver Form, 5. ORD 1736-2013 Sub ID

Date	Ver.	Action By	Action	Result
7/25/2013	1	ACTING CITY CLERK	Attest	
7/24/2013	1	ACTING MAYOR	Signed	
7/22/2013	1	COUNCIL PRESIDENT	Signed	
7/22/2013	1	Columbus City Council	Approved	Pass
7/15/2013	1	Columbus City Council	Read for the First Time	

**1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with K & W Roofing, Inc., in the amount of \$502,430.50, for the Hap Cremean Water Plant (HCWP) Roof Restoration - 2013 Project, Division of Water Contract Number 1178-Part 3.

This project consists of furnishing of all materials, equipment and labor necessary to provide for the installation of urethane coating roofing restoration system over a properly prepared mineralized built-up roof system; the restoration of a gravel surface built-up roofing system; miscellaneous metal flashing; the removal of communications tower and install antenna tower at the Hap Cremean Water Plant.

**2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT:** This project is necessary to meet maintenance needs at the Hap Cremean Water Plant (HCWP).

Public informational meetings are not anticipated for this project, all proposed work is within the boundaries of the water treatment facility. The roof restoration product being utilized is a highly reflective waterproofing membrane, "White-Knight Plus". The high solar reflectance of the coating will reduce energy usage compared to the existing black roof system. Restoring the existing roofing system with new membrane coatings will extend the life of the current roof by 15 years delaying the need to re-roof the facilities. The roofing surface is specified to be supplied as a white, elastomeric, urethane coating with an Energy Star approval rating.

**3. CONSTRUCTION CONTRACT AWARD:** The Director of Public Utilities publicly opened six bids on June 26, 2013 from: K&W Roofing, Inc. - \$502,430.50\*; BK Contracting - \$506,000.00; Re-Construction Industries (Trubuilt Construction Svcs. dba) - \$541,481.60; Team Roofing, Inc. - \$553,047.00\*; Smith Roofing and Sheet Metal\* -

\$580,313.80; and Kalkreuth Roofing and Sheet Metal - \$666,875.00\*. (\*after internal adjustments were made)

K & W Roofing's total bid price is \$502,430.50. Upon review of the bid, on item number five, a lump sum was used by K & W Roofing rather than a unit price as requested. If the unit price was applied, the total bid would be over \$297 million, indicating an obvious error had been made by K & W Roofing.

K & W Roofing has clarified its bid that a lump sum was mistakenly provided for that item, and has clarified how the lump sum it provided translates to the unit price. This clarification does not change the total bid amount and K & W Roofing is still the lowest bidder.

In addition, K & W Roofing did not indicate receipt of Addendum #2 in the bid proposal document. K & W Roofing, Inc. has clarified its bid did include the provisions of Addendum #2. This clarification does not change the total bid amount.

In order to allow the Department of Public Utilities to award to the lowest bidder notwithstanding the obvious error, the Director of Public Utilities believes it is in the City's best interest to waive the provisions of competitive bidding, in order that the Division of Water can contract with K & W Roofing, Inc. The City Attorney's office was consulted on this matter and supports this request.

K & W Roofing, Inc.'s Contract Compliance Number is 31-1606825 (expires 2/21/14, Majority). Additional information regarding all bidders, description of work, contract time frame and detailed amounts can be found on the attached Information form.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against K & W Roofing, Inc.

**4. FISCAL IMPACT:** A transfer of funds within the Water Works Enlargement Voted Bonds Fund will be necessary, as well as an amendment to the 2013 Capital Improvements Budget.

To authorize the Director of Public Utilities to execute a construction contract with K & W Roofing, Inc. for the Hap Cremean Water Plant Roof Restoration Project; for the Division of Water; to authorize a transfer and expenditure up to \$502,430.50 within the Water Works Enlargement Voted Bonds Fund; to amend the 2013 Capital Improvements Budget; and to waive the provisions of competitive bidding. (\$502,430.50)

**WHEREAS**, six bids for the Hap Cremean Water Plant (HCWP) Roof Restoration - 2013 Project were received and publicly opened in the offices of the Director of Public Utilities on June 26, 2013; and

**WHEREAS**, the lowest bidder, K & W Roofing, Inc., used a lump sum rather than a unit price, for item number five, resulting in a bid total of over \$297 million, indicating an obvious error; and

**WHEREAS**, K & W Roofing has clarified that a lump sum was mistakenly provided for that item, and has clarified how the lump sum it provided translates to the unit price. K & W also did not indicate receipt of Addendum #2 in the bid proposal document. K & W Roofing, Inc. has clarified its bid did include the provisions of Addendum #2. Both clarifications do not change the total bid amount and K & W Roofing is still the lowest bidder; and

**WHEREAS**, the Director of Public Utilities believes it is in the City's best interest to waive the provisions of competitive bidding, in order that the Division of Water can contract with K & W Roofing, Inc., notwithstanding the obvious lump sum error; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract for the Hap Cremean Water Plant (HCWP) Roof Restoration - 2013 Project to K & W Roofing, Inc.;

and

**WHEREAS**, it is necessary for this Council to authorize the transfer and expenditure of funds within the Water Works Enlargement Voted Bonds Fund, for the Division of Water; and

**WHEREAS**, it is necessary to authorize an amendment to the 2013 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; and

**WHEREAS**, it has become necessary in the usual daily operation of the Division of Water, Department of Public Utilities, to authorize the Director of Public Utilities to enter into a construction contract with K & W Roofing, Inc. for the Hap Cremean Water Plant (HCWP) Roof Restoration - 2013 Project, for the 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 Hap Cremean Water Plant (HCWP) Roof Restoration - 2013 Project with the lowest, best, responsible bidder, K & W Roofing, Inc., 8356 National Road, Pataskala, Ohio 43062; in the amount of \$502,430.50; in accordance with the terms and conditions of the contract on file in the Office of the Division of Water.

**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 Hap Cremean Water Plant (HCWP) Roof Restoration - 2013 Project, and such provisions are hereby waived.

**SECTION 3.** That the City Auditor is hereby authorized to transfer \$502,430.50 within the Department of Public Utilities, Division of Water, Water Works Enlargement Voted Bonds Fund, Fund No. 606, Dept/Div. No. 60-09, Object Level Three 6623, as follows:

**Fund No. | Project No. | Project Name | OCA Code | Change**

606	690428-100004 (carryover)	DRWP Cap. Incr.-Recarb/Ozone	664284	-\$10,830.05
606	690446-100002 (carryover)	GES-Griggs Reservoir	664462	-\$10,175.30
606	690428-100002 (carryover)	DRWP Cap. Incr.-Sl. P.S./Elect. Sub.	664282	-\$481,425.15
606	690500-100000 (carryover)	HCWP Roof Restoration - 2013	606500	+\$502,430.50

**SECTION 4.** That the 2013 Capital Improvements Budget is hereby amended as follows:

**Fund No. | Project No. | Project Name | OCA Code | Change**

606	690428-100004 (carryover)	DRWP Cap. Incr.-Recarb/Ozone	\$39,069,355	\$39,069,356	+\$1
(establish authority to match cash)					
606	690428-100004 (carryover)	DRWP Cap. Incr.-Recarb/Ozone	\$39,069,356	\$39,058,525	
-\$10,831					
606	690446-100002 (carryover)	GES-Griggs Reservoir	\$76,953	\$87,129	+\$10,176
(establish authority to match cash)					
606	690446-100002 (carryover)	GES-Griggs Reservoir	\$87,129	\$76,953	-\$10,176
606	690428-100002 (carryover)	DRWP Cap. Incr.-Sl. P.S./Elect. Sub.	\$25,457,100	\$26,311,803	+\$854,703
(establish authority to match cash)					
606	690428-100002 (carryover)	DRWP Cap. Incr.-Sl. P.S./Elect. Sub.	\$26,311,803	\$25,830,377	
-\$481,426					
606	690500-100000 (carryover)	HCWP Roof Restoration - 2013	\$0	\$502,433	+\$502,433

**SECTION 5.** That the expenditure of \$502,430.50 is hereby authorized for the Hap Cremean Water Plant (HCWP) Roof Restoration - 2013 Project within the Water Works Enlargement Voted Bonds Fund, Fund No. 606, Dept.-Div. 60-09, Project No. 690500-100000 (carryover), OCA 606500, OL3 6623.

**SECTION 6.** That said construction company shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Water.

**SECTION 7.** 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 8.** 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 9.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 10.** 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 11.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.