



## Legislation Text

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**File #: 1891-2007, Version: 1**

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### **1. Background:**

This legislation authorizes the Director of Public Utilities to amend the guaranteed maximum cost contract with the Slane Company, in connection with the Big Run South Subtrunk Sanitary Sewer Improvements Project. This amendment will authorize the waiver of the applicable competitive procurement provisions of the Columbus City Codes.

The Slane Company received and opened eight sealed bids in accordance with the terms and conditions of the reimbursement agreement that fulfills the competitive bidding provisions of the Columbus City Codes. The low bidder failed to include the calculated entry for the force account item, and as such was deemed non-responsive. The Developer and the City acknowledge that the contract proposal forms were vague and ambiguous with regard to the provision for entering the force account item, and upon advice of the City Attorney, the Division of Sewerage and Drainage is requesting City Council to waive these provisions, in order to allow the subject award. By authorizing this bid waiver, the City of Columbus, and its sewer rate payers will avoid having the Developer to award the contract to the next bidder, that would cost an additional \$36,704.42.

### **2. Fiscal Impact:**

This legislation does not require any additional funding or capital improvements budget authority.

### **3. Emergency Action:**

Emergency action is requested for immediate modification of the design contract for the earliest possible completion of the design to stay on schedule for construction and preserve the safety and welfare of the public.

### **4. Contract Compliance Information:**

CCN: 311457031/001 the Slane Company Ltd. Expiration: 11/28/2009

To authorize the Director of Public Utilities to amend the guaranteed maximum cost agreement with the Slane Company, in connection with the Big Run South Subtrunk Sanitary Sewer Improvement Project; and to waive the competitive procurement provisions of the Columbus City Codes for the Division of Sewerage and Drainage, and to declare an emergency. (\$0.00)

**WHEREAS**, Ordinance No. 0849-2007, as passed June 18, 2007, authorized the Director of Public Utilities to enter into a guaranteed maximum cost agreement in accordance with Section 186 of the Columbus City Charter, with the Slane Company, for the construction of the Big Run South Subtrunk Sanitary Sewer Improvement Project; and

**WHEREAS**, the Slane Company, under terms of the subject agreement, did request and received competitive sealed bid proposals for the construction of the aforementioned sanitary sewer improvements; and

**WHEREAS**, the low bidder, Stover and Turner Excavating, Inc., submitted a bid that was defective because they failed to include the calculation for the force account item; and as such the Developer was unable to award the contract under the requirement that they fulfill all of the City's competitive procurement requirements stipulated within the agreement between the Slane Company and the City of Columbus; and

**WHEREAS**, based upon the acknowledgement that the construction documents failed to sufficiently cause the contractor to insert the force account calculation, the City Attorney has recommended that the Director of Public Utilities request this Columbus City Council to waive the applicable competitive procurement provisions of the Columbus City Codes, which is required to award the contract to the lowest bidder, pursuant to the successful construction of this vital sanitary sewer infrastructure that is required to serve a developing area on the southwest side of the City of Columbus; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Sewerage and Drainage, in that the contract should be modified and increased immediately so that the work may proceed without delay to maintain existing project schedules, 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 Utilities be, and hereby is authorized to modify the Guaranteed Maximum Cost Agreement with the Slane Company, 261 West Johnstown Road, Gahanna, Ohio 43230, in connection with the construction of the Big Run South Subtrunk Sanitary Sewer Improvement Project.

**SECTION 2.** That this Council finds the best interest of the City is served by waiving and does hereby waive Section 329.06 (Formal Competitive Bidding) of the Columbus City Codes, 1959.

**SECTION 3.** 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 approves nor vetoes the same.