



Legislation Text

File #: 2094-2007, **Version:** 1

BACKGROUND: This Ordinance authorizes the Director of Public Utilities to execute a compromise agreement with Columbus Asphalt Paving for the Far East Water Line Improvements Project for the Division of Power and Water (Water).

The City and Columbus Asphalt Paving disagreed as to monies owed for work related to certain pavement repair and temporary pavement. Through negotiations with the City Attorney's Office, the City has agreed to pay, and Columbus Asphalt Paving agrees to accept, \$75,000.00 in complete settlement of any and all of Columbus Asphalt Paving's claims related to this project.

Although most of the compromise amount was available under the original appropriation, an additional appropriation is necessary, to cover the shortfall. The total of the original contract amount plus the additional appropriation reflects both the compromise amount and any and all overruns and underruns necessitated by actual construction and field conditions.

Contract Compliance Information: 31-0857095, expires 5/23/08, Majority

Emergency Designation: It is requested that this Ordinance be handled in an emergency manner so the contractor can be immediately compensated.

FISCAL IMPACT: There are sufficient funds available within the Water Works Enlargement Voted Bonds Fund.

To authorize the Director of Public Utilities to execute a compromise agreement related to payment for claims made by Columbus Asphalt Paving; for the Far East Water Line Improvements Project; for the Division of Power and Water; to authorize the expenditure of \$7,128.61 within the Water Works Enlargement Voted Bonds Fund; and to declare an emergency. (\$7,128.61)

WHEREAS, Contract No. EL005331 was authorized by Ordinance No. 0547-2005, passed April 18, 2005, was executed on May 18, 2005, and was approved by the City Attorney on May 24, 2005; and

WHEREAS, Columbus Asphalt Paving sought payment for work related to certain pavement repair and temporary pavement; and

WHEREAS, it was the City's position that no payment was due to Columbus Asphalt Paving for this work; and

WHEREAS, the City of Columbus and Columbus Asphalt Paving have agreed to settle this claim for payment;

WHEREAS, the City of Columbus agrees to pay and Columbus Asphalt Paving agrees to accept \$75,000.00 in complete settlement of any and all of Columbus Asphalt Paving's claims related to this project; and

WHEREAS, Columbus Asphalt Paving agrees to release the City of Columbus from any current or future claims, demands, or causes of action related to this project; and

WHEREAS, the City of Columbus agrees to release Columbus Asphalt Paving from any current or future claims, demands, or causes of action related to this 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 execute a compromise agreement related to payment claims made by Columbus Asphalt Paving; in an emergency manner so the contractor can be immediately compensated, for the immediate preservation of 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 is hereby authorized to execute a compromise agreement related to payment claims made by Columbus Asphalt Paving, for the Far East Water Line Improvements Project, in the amount of \$75,000.00.

SECTION 2. That this contract modification is in compliance with Section 329.16 of Columbus City Codes, 1959.

SECTION 3. That to pay the cost of the aforesaid compromise agreement, the expenditure of \$7,128.61, or so much thereof as may be needed, is hereby authorized from the Water Works Enlargement Voted Bonds Fund, Fund No. 606, Division No. 60-09, Project No. 690236, OCA 642900, Object Level One 06, Object Level Three 6629.

SECTION 4. 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 5. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 6. 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 7. That for 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.