



## Legislation Text

File #: 0044-2008, Version: 1

### 1. **BACKGROUND:**

A. **Need.** This legislation authorizes the Director of Public Utilities to enter into a construction contract with Kenmore Construction Company, Inc., for the Southerly Wastewater Treatment Plant Primary Clarifiers and Aeration Tanks Improvements project for the Division of Sewerage and Drainage. A loan for these purposes is was approved by the Ohio Water Development Authority (OWDA) on January 31, 2008. This legislation will additionally authorize the appropriation of funds from the OWDA Loan Fund; and authorize the expenditure of funds from the loan for the construction contract.

This is a contract for one of the key, time-critical wastewater plants construction projects in the City's Wet Weather Management Plan (WWMP) program, for the period through 2010. The work in this program is a very substantial group of sewer capital improvement projects (CIPs), both collections systems and treatment works improvements, which have been agreed to by the City and Ohio EPA in order to conform to the requirements of the City's consent orders.

The proposed contract with Kenmore Construction Company, Inc., is for Contract S74. This contract Work consists of the modifications to an effluent splitter control structure, eight preaeration tanks, two primary metering chambers, a primary control building, sixteen aeration tanks, three aeration control buildings, a mixed liquor channel, and a mixed liquor box; construction of two new aeration tanks, expansion of two primary clarifiers; and related demolition, site work and electrical work.

The contract was advertised in the City Bulletin, and bids were received on December 12, 2007, as follows:

1. Kenmore Construction Company, Inc. | Majority Firm | \$53,196,098.45
  2. C. J. Mahan Construction Company, LLC | Majority Firm | \$54,705,072.14
  3. Kokosing Construction Company, Inc. | Majority Firm | \$55,330,000.00
- The Engineer's construction cost estimate was \$58,000,000.00

**Award is recommended to the lowest and best bidder.**

B. **Contract Compliance No.:** 340802152 (MAJ) (Expires 09/26/2009)

C. **Emergency Designation:** The Division of Sewerage and Drainage is requesting City Council to designate this ordinance an emergency measure in order to allow for the immediate commencement of this work. This expediency is justified in order to fulfill the City's capital improvement project scheduling commitments set forth within the consent agreement between the City and the Ohio Attorney General's Office that addresses the city's wet weather wastewater overflows.

### 2. **FISCAL IMPACT:**

Monies for this project will be provided from Sanitary Bond funds and from the OWDA Loan Fund. This legislation appropriates a total of \$24,912,805.00 from the OWDA Loan Fund that will be utilized for the subject project. Once the OWDA loan is appropriated, there will be sufficient available funding for these expenditures. An amendment to the 2007 Capital Improvements Budget will be necessary to provide the required authority to cover the expenditure. This legislation will authorize the expenditure of \$28,283,293.45 within the Sanitary Sewer Revenue Bonds Fund.

To authorize the Director of Public Utilities to enter into a construction contract with Kenmore Construction Company, Inc., in connection with the Southerly Wastewater Treatment Plant Primary Clarifiers and Aeration Tanks Improvements project; to authorize an amendment to the 2007 Capital Improvements Budget to provide sufficient authority for the Fund 666 expenditure; to authorize the appropriation and expenditure of \$24,912,805.00 from the Ohio Water Development Authority Loan Fund; to authorize the transfer

and expenditure of \$28,283,293.45 within the Sanitary Sewer Revenue Bonds Fund; for the Division of Sewerage and Drainage; and to declare an emergency. (\$53,196,098.45)

**WHEREAS**, three competitive bids for construction of the Southerly Wastewater Treatment Plant Primary Clarifiers and Aeration Tanks Improvements project, Contract S74, were received and opened December 5, 2007 in the offices of the Director of Public Utilities; and

**WHEREAS**, the Division of Sewerage and Drainage engineering personnel have determined it necessary to enter into a construction contract with Kenmore Construction Company, Inc., in order to provide for construction of Southerly Wastewater Treatment Plant Primary Clarifiers and Aeration Tanks Improvements capital improvements project, Contract S74; and

**WHEREAS**, the Ohio Water Development Authority (OWDA) approved a loan to the City of Columbus on January 31, 2008, in the amount of \$24,912,805.00, identified as OWDA Account Number 4845 for the above listed project with eligible costs including the construction contract; and

**WHEREAS**, it is immediately necessary to appropriate the proceeds from the aforementioned loan, authorize the expenditure of funds required to award the subject contract, and provide the requisite budget authority for said award; and

**WHEREAS**, it is necessary to authorize an amendment to the 2007 Capital Improvements Budget for the purpose of providing sufficient budget authority for the aforementioned project expenditure; and

**WHEREAS**, sufficient monies will be available within the Sanitary Sewer Revenue Bonds Fund for the aforementioned project expenditure; and

**WHEREAS**, an emergency exists in the usual daily operation of the Division of Sewerage and Drainage, Department of Public Utilities, in that it is immediately necessary for this Council to authorize the Director of Public Utilities to execute a construction contract with Kenmore Construction Company, Inc., in connection with the Southerly Wastewater Treatment Plant Primary Clarifiers and Aeration Tanks Improvements project, in order to fulfill the City's capital improvement project scheduling commitments set forth within the consent agreement between the City and the Ohio Attorney General's Office that addresses the City's wet weather wastewater overflows; 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 proceeds from the Ohio Water Development Authority Loan No. 4845, for the Southerly Wastewater Treatment Plant Primary Clarifiers and Aeration Tanks Improvements project; and funds from the unappropriated monies in Fund No. 666, the amount of \$24,912,805.00 that includes funding for the cost of construction, is hereby appropriated to the Division of Sewerage and Drainage| Division 60-05| Fund No. 666| Object Level 6624, OCA Code 666367, Project No. 650367.

**Section 2.** That the Director of Public Utilities be, and hereby is, authorized to enter into a contract with Kenmore Construction Company, Inc., 700 Home Avenue, Akron, Ohio, 44310, for construction of the Southerly Wastewater Treatment Plant Primary Clarifiers and Aeration Tanks Improvements project in accordance with the terms and conditions as shown on the contract on file in the office of the Division of Sewerage and Drainage.

**Section 3.** That the 2007 Capital Improvements Budget Ordinance No. 0733-2007 is hereby amended as follows to provide sufficient budget authority in Fund 666 for the above mentioned contract.

**Project No. | Project Name | Current Authority | Revised Authority | (Change)**

650366 | SWWTP, Final Clarifier Additions & Improv. | \$51,080,917 | \$26,168,112 | (\$-24,912,805)

650367 | SWWTP Primary Clarifiers & Aeration Tank Improv. | \$0.00 | \$24,912,805 | (+\$24,912,805)

**Section 4.** That for the purpose of paying the cost of the construction contract, the following expenditure, or as much thereof as may be needed, be and the same is hereby authorized from the OWDA Loan as follows: Division 60-05; Fund 666; Southerly Wastewater Treatment Plant Primary Clarifiers and Aeration Tanks Improvements, Project No. 650367; Object Level 6624, OCA Code 666367, Amount \$24,912,805.00.

**Section 5.** That for the purpose of paying the cost of the construction contract, the following expenditure, or as much thereof as may be needed, is hereby authorized as follows: Division 60-05; Fund 665; Southerly Wastewater Treatment Plant Primary Clarifiers and Aeration Tanks Improvements, Project No. 650367; Object Level 6624, OCA Code 665367, Amount \$28,283,293.45.

**Section 6.** That the City Auditor is hereby authorized 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 are no longer required for said project; except that no transfer shall be made from a project 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 the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure which 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.