



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

File #: 1243-2015, Version: 1

- 1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with Kokosing Construction Co., Inc. for the Southerly Wastewater Treatment Plant (SWWTP) Biosolids Land Application Facility, Contract S84, CIP No. 650356-100002 and to authorize the appropriation and expenditure of \$42,997,350.00 from the Ohio EPA Water Pollution Control Loan Fund (WPCLF); and to amend the 2015 Capital Improvements Budget for the Division of Sewerage and Drainage.

The approval to enter into a loan agreement with the Ohio EPA was authorized by Ordinance 0258-2015 which authorized the Director of Public Utilities to apply for, accept, and enter into up to five (5) Ohio Water Pollution Control Loan Fund Agreements with the Ohio Water Development Authority and the Ohio Environmental Protection Agency, for the financing of up to five Division of Sewerage and Drainage Division (DOSD) construction projects; to designate a dedicated source of repayment for the loans; and to declare an emergency.

The work consists of furnishing all labor, materials, equipment, and incidentals as specified and required to provide for the demolition of existing facilities including the Sludge Concentration Building, Parts Storage Building 1, and Carpenter's shop; construction and installation of new facilities including four 2 million gallon concrete biosolids tanks, a biosolids control building housing pumps, piping, electrical equipment, and mechanical equipment; a new parts storage building; four biofilters that will serve the biosolids tanks; a three-bay truck load-out facility; various other pump and pipe modifications to existing facilities; and other such work as may be necessary to complete the contract, in accordance with the plans and specifications set forth in the Invitation For Bid (IFB).

- 2. PROJECT TIMELINE:** The contract work for this project should provide the Southerly Wastewater Treatment Plant with a biosolids storage facility by March 21<sup>st</sup>, 2016.
- 3. PROCUREMENT:** The Division advertised for competitive bids submission for the subject services on the City's Vendor Services website and in the City Bulletin in accordance with the overall provisions of Section 329 of the Columbus City Code. The Division of Sewerage and Drainage received three (3) bids on May 6th, 2015 from the following companies:

<u>Name</u>	<u>C.C. No. /Exp. Date</u>	<u>City/State</u>	<u>Status</u>
Kokosing Construction Co., Inc.	31-1023518 / 02/25/2016	Westerville, Ohio	MAJ
Kenmore Construction Co.	34-0802152 / 08/14/2016	Akron, Ohio	MAJ
C.J. Mahan	72-1576467 / 06/05/2016	Grove City, Ohio	MAJ

These bids were reviewed and ranked utilizing the Bid Tab and Quality Factor Form process. After reviewing the bid and the QFF form, it was determined that the Kokosing Construction Company was the lowest responsive, responsible, and best bid. The Engineer's Estimate was \$41,755,480.00

- 4. EMERGENCY DESIGNATION:** Emergency designation is requested at this time in order to meet the construction contract schedule requirements of the US EPA's Maximum Achievable Control Technology Standards (MACT) compliance date of March 21, 2016.

- 5. CONTRACT COMPLIANCE NO:** 31-1023518 | 02/25/2016 | MAJ

**6. ECONOMIC IMPACT:** This contract will continue and increase the City's efforts to beneficially re-use biosolids generated at the wastewater treatment plants. This contract will provide infrastructure at the SWWTP to facilitate the maximum beneficial agricultural use of the plant's biosolids by land application. Land application is one of the City's most cost effective methods to beneficially re-use biosolids.

As a result of this contract and the need to meet the US EPA's March 21, 2016 MACT deadline, the incineration process will be discontinued at the SWWTP. SWWTP will no longer need to operate, maintain, or provide fuel for the incinerators. The incineration process is one of the City's least cost effective methods to dispose of biosolids. Also, there will no longer be a need to address the disposal of the ash that resulted from the operation of the incinerators. The operation and maintenance of ash lagoons and the trucking of ash to the landfill will no longer be required.

**7. FISCAL IMPACT:** This legislation authorizes the appropriation and transfer of \$42,997,350.00 from the Sewer System Reserve Fund, Fund 654, to the Ohio Water Pollution Control Loan Fund, Fund 666, to fund this expenditure. This transaction is a temporary measure that is required until such time as the Department is able to execute a WPCLF loan agreement with the Ohio EPA and the Ohio Water Development Authority (OWDA) and reimburse the Sewer System Reserve Fund. The expected date of award for this loan is June 25, 2015. This ordinance amends the 2015 Capital Improvements Budget for the Division of Sewerage and Drainage.

To authorize the Director of Public Utilities to enter into a construction contract with Kokosing Construction Co., Inc. for the Southerly Wastewater Treatment Plant (SWWTP) Biosolids Land Application Facility; to authorize the appropriation, transfer, and expenditure of \$42,997,350.00 from the Sewer System Reserve Fund to the Ohio EPA Water Pollution Control Loan Fund (WPCLF); to amend the 2015 Capital Improvements Budget for the Division of Sewerage and Drainage; and declare an emergency (\$42,997,350.00)

**WHEREAS,** In accordance with the overall provisions of Section 329 of the Columbus City Codes, there were three (3) contractors that responded to the advertised Bid for Southerly Wastewater Treatment Plant (SWWTP) Biosolids Land Application Facility, Contract S84, CIP No. 650356-100002; and

**WHEREAS,** In accordance with the overall provisions of Section 329 of the Columbus City Codes the Department of Public Utilities received and opened three (3) bids on May 6th, 2015; and

**WHEREAS,** the Division of Sewerage and Drainage's evaluation committee reviewed and recommended that the contract for the Southerly Wastewater Treatment Plant (SWWTP) Biosolids Land Application Facility project be awarded to Kokosing Construction Co., Inc.; and

**WHEREAS,** the Ohio Water Development Authority (OWDA) Board will meet on June 25, 2015 to review for loan award the City of Columbus' WPCLF project number CS390274-0202 in the amount of \$42,997,350.00 and is expected to approve the loan to provide financing for the above listed project with eligible costs including the construction contract and contingency; and

**WHEREAS,** it is immediately necessary to both appropriate funds from the Sewer System Reserve Fund and authorize the transfer of said funds into the Water Pollution Loan Fund, in order to temporarily fund this expenditure and provide the requisite budget authority for the said project, until such time as the City is able to execute the WPCLF loan agreement for the above stated purpose and reimburse the Sewer System Reserve Fund; and

**WHEREAS,** it is immediately necessary to amend the 2015 Capital Improvements Budget to provide sufficient budget authority for the aforementioned expenditures; and

**WHEREAS,** due to the required construction contract schedule and regulatory requirements of the US EPA, an

emergency exists in the usual daily operations 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 enter into a construction contract with Kokosing Construction Co., Inc. for the Southerly Wastewater Treatment Plant (SWWTP) Biosolids Land Application Facility, Contract S84 at the earliest practical date, thereby preserving the public health, peace, prosperity, safety, & 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 enter into a construction contract with Kokosing Construction Co., Inc., 6235 Westerville Rd, Ste. 200, Westerville, Ohio, 43081 for the Southerly Wastewater Treatment Plant (SWWTP) Biosolids Land Application Facility, Contract S84 in accordance with the terms and conditions as shown in the agreement on file in the office of the Division of Sewerage and Drainage.

**SECTION 2.** That from the unappropriated monies in the Sewer System Reserve Fund 654, and from all monies estimated to come into said fund from any and all sources, and unappropriated from any other purpose for the Southerly Wastewater Treatment Plant (SWWTP) Biosolids Land Application Facility, Contract S84, the sum of \$42,997,350.00 is hereby appropriated to the Division of Sewerage and Drainage; Division 60-05 | Object Level One 10 | Object Level Three 5502 | OCA Code 901654.

**SECTION 3.** That the City Auditor is hereby authorized to transfer \$42,997,350.00 from the Sewer System Reserve Fund 654 to the Water Pollution Control Loan Fund, Fund No. 666, into the said fund from any and all sources, into the appropriate accounts as specified in the section below, at such time as deemed necessary by him, and to expend the said funds, or as much as thereof as may be necessary for the Southerly Wastewater Treatment Plant (SWWTP) Biosolids Land Application Facility, Contract S84 as follows:

Division 60-05 | Fund No. 666 | Project No. 650356-100002 | Object Level 6630 | 663562 | \$42,997,350.00

**SECTION 4.** That for the purpose of paying the cost of the Ohio Water Development Authority (OWDA) Fund Eligible Items within the aforementioned contract, the following expenditure, or as much thereof as may be needed, is hereby authorized as follows: Fund No. 666, Dept./Div. No. 60-05, Project: 650356-100002 | 663562 | Object Level One 06 | Object Level Three 6630 | Amount \$42,997,350.00.

**SECTION 5.** That the 2015 Capital Improvements Budget is hereby amended as follows, to provide sufficient budget authority for the project expenditure stated in the ordinance herein.

**Fund No. | Project No. | Project Name | Current Authority | Revised Authority | Change**

666 | 650356-100002 | SWWTP Biosolids Land Application Facility S84 | \$0 | \$42,997,350 | (+\$42,997,350)

**SECTION 6.** That upon obtaining other funds for the purpose of funding the sanitary sewer system capital improvement work, the City Auditor is hereby authorized to repay the Sewer System Reserve Fund the amount transferred under the above section, and said funds are hereby deemed appropriated for such purpose.

**SECTION 7.** That the said firm Kokosing Construction Co., Inc., shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

**SECTION 8.** 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 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 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.