



Legislation Details (With Text)

**File #:** O-040-22      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Approved

**File created:** 1/3/2022      **In control:** Public Utilities Department

**On agenda:** 2/1/2022      **Final action:** 2/1/2022

**Title:** Authorizing the authorizing the acceptance and deposit of \$727,500 to Account Code 6063-32000-4UC1921STDSTD (Ozone Corrections); authorizing the appropriation and expenditure in an amount not to exceed \$727,500 from the Water Replacement Fund for the Ozone Corrections project at the Water Treatment Plant; authorizing the settlement of the City of Toledo’s claims pending with Black & Veatch; authorizing the mayor to accept bids and enter into contracts; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Audio: City Council Meeting 2/1/2022, 2. Audio: Agenda Review 1/25/2022

Date	Ver.	Action By	Action	Result
2/1/2022	1	City Council	Suspension	Pass
2/1/2022	1	City Council	Emergency	Pass
2/1/2022	1	City Council	Passage	Pass

DPU020122OZONECORRECTIONS  
 Water Treatment  
 A. McClure (x3058)  
 Revised

**Authorizing the authorizing the acceptance and deposit of \$727,500 to Account Code 6063-32000-4UC1921STDSTD (Ozone Corrections); authorizing the appropriation and expenditure in an amount not to exceed \$727,500 from the Water Replacement Fund for the Ozone Corrections project at the Water Treatment Plant; authorizing the settlement of the City of Toledo’s claims pending with Black & Veatch; authorizing the mayor to accept bids and enter into contracts; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

The City entered into a Professional Services contract, dated March 09, 2017, No. 46-3515, with Black & Veatch to provide certain engineering services for Collins Park’s Water Treatment Plant Ozone Process project. Late in 2020, it was discovered that the Ozone Treatment Facility, which was brought online at that time, is not able to operate with the full range of flows as designed, due to hydraulic restrictions in the facility. Black & Veatch and its design sub, Arcadis, analyzed and redesigned certain portions of the project to achieve the metrics that were required by the City. The construction to complete this redesigned portion was bid and Kokosing Mosser Joint Venture was selected as the lowest and best bidder at \$727,500. Black & Veatch and Arcadis will each provide to the City \$363,750 for a total of \$727,500 to cover the City’s costs in paying Kokosing Mosser Joint Venture to complete the work and resolve the City’s claim. Corrections must be completed by the 2022 harmful algal bloom (HAB) season, to restore the facility to its intended use. This facility is necessary to maintain a safe, reliable water treatment system for the Water Treatment Plant.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the mayor is authorized to accept payments of \$363,750 from Black & Veatch and from Arcadis, totaling \$727,500, for the purpose of paying for the construction of the redesign portions of the Ozone Corrections project.

SECTION 2. That upon receipt of such payments by Black & Veatch and Arcadis and after review by the Law Department, the Mayor is authorized to execute and deliver to Black & Veatch a full, final and complete release of this claim.

SECTION 3. That the Director of Finance is authorized to deposit the settlement proceeds to account code 6063-32000-4UC1921STDSTD.

SECTION 4. That an amount not to exceed \$727,500 is appropriated from the Water Replacement Fund into Account Code 6063-32000-4UC1921STDSTD for the Ozone Corrections project and same is further authorized to expend.

SECTION 5. That the mayor is authorized to accept bids, and execute necessary contracts for the re-design and construction needed to complete this project. All contracts terms and conditions shall be subject to approval by the Director of Public Utilities and the Director of Law.

SECTION 6. That the Finance Director is authorized to issue their warrant or warrants against the above authorized account code in an amount not to exceed \$727,500 in payment of the above authorized obligations upon presentation of the proper voucher or vouchers.

SECTION 7. That the disappropriation of any remaining budget to fund balance is authorized at project closeout.

SECTION 8. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after passage. The reason for the emergency lies in the fact that this Ordinance is necessary for immediate preservation of the public peace, health, safety and property, and for the further reason that this Ordinance must be immediately effective in order to execute the construction so as to complete the work before the 2022 HAB season to maintain a safe, reliable water treatment system.

Vote on emergency clause: yeas 12, nays 0.

Passed: February 1, 2022, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

February 1, 2022  
Wade Kapszukiewicz  
Mayor