

1 **BILL NO. S-18-09-25**

2 SPECIAL ORDINANCE NO. S-~~9518~~

3 AN ORDINANCE approving STORM WATER DRAINAGE
4 CONTRACT -RESOLUTION/WORK ORDER #83675 -
5 \$110,775.00 between JUNIOR ACHIEVEMENT OF NORTHERN
6 INDIANA FOUNDATION, INC. and the City of Fort Wayne,
7 Indiana, in connection with the Board of Public Works.

8 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE**
9 **CITY OF FORT WAYNE, INDIANA:**

10 **SECTION 1.** That the STORM WATER DRAIMAGE CONTRACT -
11 RESOLUTION/WORK ORDER #83675 - \$110,775.00 by and between JUNIOR ACHIEVEMENT
12 OF NORTHERN INDIANA FOUNDATION, INC. and the City of Fort Wayne, Indiana, in connection
13 with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects,
14 respectfully for:


15 All labor, insurance, material, equipment, tools, power, transportation,
16 miscellaneous equipment, etc., necessary for construction of a storm water
17 drainage system being built in conjunction with drainage improvements for the
18 new Junior Achievement facility located at 550 E. Wallen Road. Major
19 components of the project include 1,161+/- L.F. of 15" to 18" diameter pipe, 8
20 manholes, and 1 outlet structure;

21 involving a total cost of (CITY UTILITIES SHARE) ONE HUNDRED TEN THOUSAND SEVEN
22 HUNDRED SEVENTY-FIVE AND 00/100 DOLLARS - (\$110,775.00). A copy of said Contract is on
23 file with the Office of the City Clerk and made available for public inspection, according to law.

24 **SECTION 2.** That this Ordinance shall be in full force and effect from and after its
25 passage and any and all necessary approval by the Mayor.

26 
27 _____
28 Council Member

29 APPROVED AS TO FORM AND LEGALITY

30 

Carol Helton, City Attorney

Interoffice Memo

Date: September 20, 2019

To: Common Council Members

From: DeWayne Nodine, Manager, Development Services – 427-2691 or dewayne.nodine@cityoffortwayne.org

Re: Storm Water Drainage Contract between the City of Fort Wayne (“City”) and Junior Achievement of Northern Indiana Foundation (“Developer”) to construct a local storm water drainage system in coordination with the new Junior Achievement facility located at 550 E. Wallen Road (Sewer Contract #2018-ST-0023, Resolution / Work Order #83675 approved by the Board of Public Works on September 18, 2018)

Council District: #3

Description of Project: The Board of Storm Water Management has entered into the above referenced agreement for construction of a storm water drainage system being built in conjunction with drainage improvements for the new Junior Achievement facility located at 550 E. Wallen Road (southwest corner area of Coldwater Road and Wallen Road). This project will also serve the Waterswolde neighborhood located immediately to the south with an improved drainage outlet. This will help to alleviate on-going flooding problems in that neighborhood as well.

The Developer has agreed to construct this new public system at the same time as it builds the drainage system for the its own project, the new Junior Achievement facility. This partnership will reduce the City’s share of the cost in that a separate contract will not be required, and the City will benefit from the economies of scale gained by combining the two projects.

Major components of the project include 1,161 ± L.F. of 15” to 18” diameter pipe, 8 manholes, and 1 outlet structure.

City Utilities Oversizing Share: \$110,775.00

Implications of Not Being Approved:

- Continued drainage problems in this area of the Waterswolde neighborhood;
- Avoidance of a wetland area to rebuild the existing outfall pipe; and
- Increased costs for the City to complete the project in the future.

If Prior Approval is Being Requested, Justify: N/A

Bid Results: The developer obtained sealed quotes and Non-Collusion Affidavits (State Board of Accounts Form 96) from three qualified contractors in accordance with standard procedure for developer projects. The amount of money being reimbursed to the Developer is the lowest of the three quotes.

Funding Source: Storm Water Revenue

Council Introduction Date: September 25, 2018

cc: Matthew Wirtz, Anne Marie Smrcek, and Diane Brown

STORMWATER DRAINAGE CONTRACT

CONTRACT NO. 2018-ST-0023
WORK ORDER NO. 83675

THIS STORMWATER DRAINAGE CONTRACT ("Contract") is made and entered into this 18th day of September, 2018, by and between Junior Achievement of Northern Indiana Foundation, Inc. ("Contributor") and the City of Fort Wayne Board of Stormwater Management ("City"), for the following and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, to wit:

1. The City and the Contributor shall proceed dependent upon procurement of materials and labor and with reference to other similar work of said parties, or as approved by the City, to construct the following stormwater drainage system to serve 550 E. Wallen Road-Junior Achievement as follows:

Description:

Network "W"-Pipes 5-10

Beginning at pipe W10 outfall to the Waters Drain located 1180± feet west & 310± feet south of the intersection of Coldwater Road & Wallen Road. Thence southerly 45 lineal feet of 18-inch diameter HDPE to STR-8W. Thence southeasterly 234 lineal feet of 18-inch diameter HDPE to STR-7W. Thence southerly 110 lineal feet of 18-inch HDPE to STR-7W. Thence southwesterly 263 lineal feet of 18-inch HDPE to STR-5W. Thence southerly 83 lineal feet of 18-inch HDPE to STR-4W. Thence southerly 18 lineal feet of 18-inch HDPE to structure M50-202.

Network "W"-Pipes 1-4

Beginning at STR-4W located 855± feet south 1320± feet west of the intersection of Coldwater Road & Wallen Road. Thence easterly 172 lineal feet 15-inch HDPE to STR-3W. Thence easterly 82 lineal feet of 15-inch HDPE to STR-2W. Thence easterly 136 lineal feet of 15-inch HDPE to STR-1W. Thence southerly 18 lineal feet of 15-inch HDPE to structure M50-160.

The stormwater drainage system consists of: 408 LF 15-Inch diameter HDPE
753 LF 18-Inch diameter HDPE
(9) Nine Structures

The stormwater drainage system shall be constructed in accordance with the standards, plans and specifications as approved by City and which are on file in City's Development Services office, and are incorporated herein by reference and made a part hereof ("Stormwater Improvements").

2. The Contributor shall furnish and pay for all materials, contractual labor, equipment, permits and/or licenses required for the construction of said Stormwater Improvements through Fox Contractors Corp. at a cost of \$110,775.00 (one hundred ten thousand seven hundred seventy five dollars and no cents), and the Contributor shall hold City harmless from any liability for claims connected therewith. All expenses in connection with necessary labor for inspection, and engineering services, estimated at \$2,900.70 (two thousand nine hundred dollars and seventy cents) are hereby waived. Therefore, the total value of said Stormwater Improvements is \$113,675.70 (one hundred thirteen thousand six hundred seventy five dollars and seventy cents), and which amount is the Contract Price of this Contract.
3. As requested by the City, the Stormwater Improvements include additional capacity to address stormwater drainage issues beyond the Contributor's requirements. Upon completion and acceptance of the Stormwater Improvements, the City will pay to the Contributor an amount equal to the construction cost, including material, contractual labor and equipment, which cost is \$110,775.00 (one hundred ten thousand seven hundred seventy five dollars and no cents).
4. The City may approve the extension of additional storm sewers from the Stormwater Improvements without incurring any financial obligations to the Contributor under this Contract.


5. Upon completion of the Stormwater Improvements, the Contributor or its contractor shall submit a Completion Affidavit, a Maintenance Bond and Certified Record Drawings to the City and shall take such action as is necessary to transfer all rights, titles, and interest in said Stormwater Improvements to the City. The Maintenance Bond shall run for a minimum period of one (1) year from the date of the acceptance of said system by the City and shall be in the minimum amount of \$27,693.75 (twenty seven thousand six hundred ninety three dollars and seventy five cents).
6. Upon receipt of the Completion Affidavit, Maintenance Bond and Certified Record Drawings, and being provided with proof of dedicated easements or recorded easements as required over the drainageways of concern, the City will make final inspection of the Stormwater Improvements. Upon finding the Stormwater Improvements to be acceptable and in full compliance with the City's standards and specifications, the City shall issue its Letter of Acceptance to the Contributor. Upon issuance of the Letter of Acceptance, and in accordance with the terms of said letter, the Stormwater Improvements shall form and become and be a part of the City's public stormwater management system, and all right, title, and interest whatsoever in said Stormwater Improvements shall pass to and remain in the City of Fort Wayne, Indiana.
7. If work on the Stormwater Improvements is not initiated within twelve (12) months following the date of approval of this Contract, said Contract shall be null and void.
8. E-Verify Affidavit. Pursuant to Indiana Code 22-5-1.7, Contributor agrees and shall enroll in and verify the work eligibility status of all newly hired employees of the Contributor through the E-Verify program. E-Verify means the electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (P.L. 104-208), Division C, Title IV, s.403(a), as amended, operated by the United States Department of Homeland Security or a successor work authorization program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work authorization status of newly hired employees under the Immigration Reform and Control Act of 1986 (P.L. 99-603). Contributor is not required to verify the work eligibility status of all newly hired employees of Contributor through the E-verify program if the E-Verify program no longer exists.

The undersigned, on behalf of the Contributor, being first duly sworn, deposes and states that the Contributor does not knowingly employ an unauthorized alien.

9. The laws of the State of Indiana shall govern this Contract.

IN WITNESS WHEREOF, the parties hereto have subscribed to this instrument as of the day and year first above written.

**CITY OF FORT WAYNE, INDIANA
BOARD OF STORMWATER MANAGEMENT**

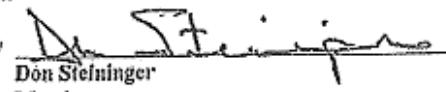
By 
Matthew Wirtz, Chair

By 
Mike Avila, Member

By 
Shan Gunawardena, Member

Attest:  9-18-18
Michelle Full, Clerk

CONTRIBUTOR
Junior Achievement of Northern Indiana Foundation,
Inc.

By 
Don Steininger
Member
601 Noble Drive
Fort Wayne, IN 46825
(260) 484-2543

ACKNOWLEDGEMENT
CONTRIBUTOR

STATE OF Indiana)
) SS
COUNTY OF DeKalb)

BEFORE ME, a Notary Public in and for said State and County personally appeared the within named Junior Achievement of Northern Indiana Foundation, Inc. by Don Steiniager, Member, and acknowledged the execution of the foregoing Contract as and for his voluntary act and deed.

WITNESS my hand and notarial seal this 25th day of July 2018.

My Commission Expires: May 6, 2025

Resident of DeKalb County



[Signature]
Notary Public Signature
Daniel A. Brown
Printed Name

ACKNOWLEDGEMENT
CITY

STATE OF INDIANA)
) SS
COUNTY OF ALLEN)

BEFORE ME, a Notary Public in and for said State and County personally appeared Shan Gunawardena, Mike Avila and Matthew Wirtz as Members of the Board of Public Stormwater Management, and Michelle Fulk, Clerk of the Board, and acknowledged the execution of the foregoing Contract as and for their voluntary act and deed.

WITNESS my hand and notarial seal this 19th day of September 2018.



[Signature]
Notary Public Signature
Michelle R. Nelson
Printed Name

*I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. DeWayne J. Nodine.
This instrument prepared by DeWayne J. Nodine, Fort Wayne City Utilities,
Form February 9, 2018*

BILL NO. S-18-09-25

REPORT OF COMMITTEE ON CITY UTILITIES

October 9, 2018

Russell Jehl Chair

Glynn Hines Co-Chair

All Council Members

An Ordinance approving Storm Water Drainage Contract – Resolution/Work Order #83675 - between Junior Achievement of Northern Indiana Foundation, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

Involving a total cost of (CITY UTILITIES SHARE) \$110,775.00


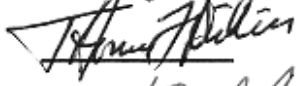


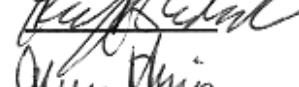
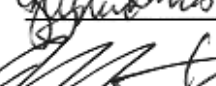
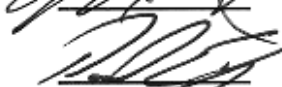


COMMITTEE ON CITY UTILITIES HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

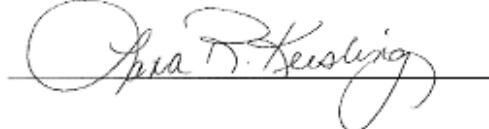
DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: N/A

Read the first time in full and on motion by Councilman Jehl.

Read the second time by title and referred to the City Utilities Committee.

Read the third time in full and on motion by Councilman Jehl, placed on passage by the following vote:

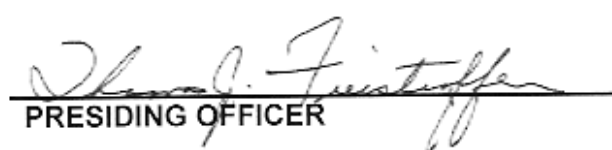
<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: October 9, 2018


LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-18-09-25 on the 9th day of October, 2018


LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

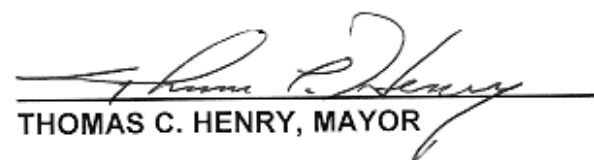
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th of October 2018, at the hour of 9:55 o'clock A.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 10TH day of OCTOBER

2018, at the hour of 3:00 O'clock PM, E.S.T.

FORT WAYNE, INDIANA
RECEIVED
OCT 11 2018
LANA R. KEESLING
CITY CLERK


THOMAS C. HENRY, MAYOR