



## Legislation Details (With Text)

**File #:** 1177-2024      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 4/17/2024      **In control:** Public Utilities & Sustainability Committee

**On agenda:** 5/20/2024      **Final action:** 5/22/2024

**Title:** To authorize the Director of the Department of Public Utilities to enter into a construction contract with Berglund Construction Company for the Jackson Pike Waste Water Treatment Plant Incinerator Building Rehabilitation; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize the appropriation and transfer of funds from the Sanitary Reserve Fund to the Sanitary-Fresh Water Market Rate Program Fund; to authorize the appropriation and expenditure of up to \$2,750,000.00 from the Sanitary-Fresh Water Market Rate Program Fund for the contract; and to authorize an expenditure of up to \$2,000.00 from the Sanitary Bond Fund to pay for the prevailing wage services for the project. (\$2,752,000.00)

**Sponsors:**

**Indexes:** MBE Participation, WBE Participation

**Code sections:**

**Attachments:** 1. ORD 1177-2024 Utilization, 2. ORD 1177-2024 Accounting Template

Date	Ver.	Action By	Action	Result
5/22/2024	1	ACTING CITY CLERK	Attest	
5/21/2024	1	MAYOR	Signed	
5/20/2024	1	COUNCIL PRESIDENT	Signed	
5/20/2024	1	Columbus City Council	Approved	Pass
5/13/2024	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND

This ordinance authorizes the Director of Public Utilities to enter into a construction contract with Berglund Construction Company for the Jackson Pike Waste Water Treatment Plant (JPWWTP) Incinerator Building Rehabilitation project, CIP #650260-102016, in an amount up to \$2,750,000.00, and to encumber funds with the Department of Public Service for prevailing wage services in an amount up to \$2,000.00, for a total expenditure of \$2,752,000.00.

This project will replace the Incinerator Building roof, repair the building façade, repair any foundation cracking, and replace the fallen rubble stone and repair any other damages to the stone facade. Protective coatings on the building will be replaced and the HVAC equipment and electrical systems will be rehabilitated or replaced to bring the building up to current codes.

Planning Area - 59 - Southwest.

**TIMELINE:** Contract work is required to be completed in a manner acceptable to the City within 320 days from the date that a Notice to Proceed (NTP) is given by the City. NTP is anticipated on or about August 1, 2024.

**ESTIMATED COST OF PROJECT:** The bid amount and proposed award amount is \$2,750,000.00, including a 10% construction contingency amount that will be utilized to fund needed and approved changes in the work. No contract modifications are anticipated at this time; however, construction exigency might later compel modification of this contract, if unforeseen difficulties are encountered.

Cost summary:

Original Contract	\$2,750,000.00
Future Anticipated Needs	\$ 0.00
CONTRACT TOTAL	\$2,750,000.00
Prevailing Wage Charge	\$ 2,000.00
	\$2,752,000.00

**2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT**

The structure improvements will protect critical electrical and control assets for the JPWWTP and stabilize structural deterioration that threatens employee safety. The project will remove portions of asbestos containing materials from JPWWTP that would otherwise continue to be a risk for facility staff. No community outreach or economic advantages beyond the workforce engagement impacts have been considered for this project.

**3. BID INFORMATION**

This project was formally advertised on the Vendor Services and Bid Express websites from 2/22/2024 through 3/20/2024. Four bids were received:

<u>Name</u>	<u>Bid Amount</u>	<u>City/State</u>	<u>Status</u>
Berglund Construction Company	\$2,750,000.00	Columbus, OH	MAJ
2K General Co.	\$2,976,200.00	Delaware, OH	MAJ
Setterlin Building Company	\$3,806,000.00	Columbus, OH	MAJ
Elford, Inc.	\$4,501,414.00	Columbus, OH	MAJ

Berglund Construction Company’s bid was deemed the lowest, best, most responsive bid. Berglund Construction Company’s certification was in good standing at the time of the bid award.

**4. CONTRACT COMPLIANCE INFORMATION**

Berglund Construction Company’s contract compliance number is CC007180 and expires 7/16/25.

**5. MINORITY AND WOMAN OWNED BUSINESS ENTERPRISE & SMALL LOCAL BUSINESS ENTERPRISE PROGRAM**

This contract was bid with an anticipated City of Columbus MBE/WBE Program goal of 15% as assigned by the City’s Office of Diversity and Inclusion (ODI). After ODI’s review of the Utilization Plan and other related information the contractor submitted with their bid response, ODI has approved an MBE/WBE Program goal of 15% for this contract. Failure by the contractor to meet this goal subjects the contractor to the Penalties for Non-Compliance as described in the “City’s Minority and Women-Owned Business Enterprise & Small Local Business Enterprise Program Manual” and in the bid documents for this contract.

As part of their proposal, Berglund Construction Company has proposed the following subcontractors to perform contract work:

<u>Company Name</u>	<u>City/State</u>	<u>ODI Certification Status</u>
K & W Roofing, Inc.	Columbus, Ohio	WBE
Hina Environmental Solutions Inc.	Columbus, Ohio	MBE
D-4 Construction LLC	Columbus, Ohio	MBE

The certification of Berglund Construction Company and the above companies was in good standing at the time the bid was awarded.

**6. PRE-QUALIFICATION STATUS**

Berglund Construction Company and all subcontractors have met code requirements with respect to pre-qualification,

pursuant to relevant sections of Columbus City Code Chapter 329.

## **7. FISCAL IMPACT**

Funding for this contract will be obtained through the Ohio Water Development Authority (OWDA) Direct Loan Program. City Council authorized applying for these types of loans and the acceptance of the loan funding via Ordinance 0652-2024, passed by Council on 3/25/24. The loan is expected to be approved in May of 2024.

The Ohio Water Development Authority (OWDA) Direct Loan Program is a reimbursement program. Purchase orders will need to be established to Berglund Construction Company for this contract. Public Utilities will need to pay invoices directly to Berglund Construction Company and then submit reimbursement requests based upon these paid invoices to OWDA for OWDA to reimburse Public Utilities.

A transfer of funds from the Sanitary Reserve Fund, Fund 6102, to the Sanitary-Fresh Water Market Rate Program, Fund 6124 in the amount of \$2,750,000.00 is needed to fund construction for this project. This transaction is a temporary measure that is required until a loan is executed with the OWDA to reimburse the Sanitary Reserve Fund. These funds will also need to be appropriated to be transferred and then appropriated after transfer to the new fund. An amendment to the 2023 Capital Improvement Budget is needed to align budget authority with the proper project.

Funds in the amount of \$2,000.00 are budgeted, available and appropriated within the Sanitary Bond Fund, Fund 6109, to pay the Department of Public Service to provide prevailing wage services for this project.

To authorize the Director of the Department of Public Utilities to enter into a construction contract with Berglund Construction Company for the Jackson Pike Waste Water Treatment Plant Incinerator Building Rehabilitation; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize the appropriation and transfer of funds from the Sanitary Reserve Fund to the Sanitary-Fresh Water Market Rate Program Fund; to authorize the appropriation and expenditure of up to \$2,750,000.00 from the Sanitary-Fresh Water Market Rate Program Fund for the contract; and to authorize an expenditure of up to \$2,000.00 from the Sanitary Bond Fund to pay for the prevailing wage services for the project. (\$2,752,000.00)

**WHEREAS**, the Department of Public Utilities is engaged in the JPWWTP Incinerator Building Rehabilitation project; and

**WHEREAS**, four bids for the JPWWTP Incinerator Building Rehabilitation project were received and opened on 3/20/24; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to enter into a construction services contract with Berglund Construction Company for the JPWWTP Incinerator Building Rehabilitation project; and

**WHEREAS**, Ordinance 0652-2024 authorized the use of loans from the Ohio Water Development Authority (OWDA) Direct Loan Program to finance Public Utilities projects; and

**WHEREAS**, loan applications will be submitted to OWDA to finance this project; and

**WHEREAS**, the 2023 Capital Improvements Budget must be modified to align budget authority with the proper project; and

**WHEREAS**, it is necessary to both appropriate and transfer funds from the Sanitary Reserve Fund, Fund 6102, to the Sanitary-Fresh Water Market Rate Program Fund, Fund 6124, in order to temporarily fund this expenditure until such time as the City receives loan proceeds from the Ohio Water Development Authority to reimburse the Sanitary Reserve Fund; and

**WHEREAS**, it is necessary to appropriate and expend funds from the Sanitary Fresh Water Market Rate Fund, Fund 6124, to pay for the construction of this project; and,

**WHEREAS**, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the services of the Project described in this Ordinance (collectively, the "Project"); and

**WHEREAS**, it is necessary to authorize an expenditure of funds within the Sanitary Bond Fund, Fund 6109, to pay for the prevailing wage services for the project; **now, therefore**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the 2023 Capital Improvements Budget authorized by Ordinance 1711-2023 be amended as follows to establish sufficient budget authority for this project:

**Fund / Project Number / Project Name (Funding Source) / Current Authority / Revised Authority / Change**  
6124 / 650260-102016 / JPWWTP Incinerator Building Rehabilitation (OWDA Direct Loan) / \$0.00 / \$2,750,000.00 / \$2,750,000.00 (To match loan amount)

**SECTION 2.** That from the unappropriated monies and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2024, the sum of \$2,750,000.00 is appropriated in the Sanitary Reserve Fund, Fund 6102, per the account codes in the attachment to this ordinance.

**SECTION 3.** That the transfer of \$2,750,000.00, or so much thereof as may be needed, is hereby authorized between the Sanitary Reserve Fund, Fund 6102, and the Sanitary-Fresh Water Market Rate Program, Fund 6124, per the account codes in the attachment to this ordinance.

**SECTION 4.** That from the unappropriated monies and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2024, the sum of \$2,750,000.00 is appropriated in the Sanitary-Fresh Water Market Rate Program, Fund 6124, per the account codes in the attachment to this ordinance.

**SECTION 5.** That the Director of Public Utilities is hereby authorized to enter into a construction services contract for the JPWWTP Incinerator Building Rehabilitation project with Berglund Construction Company, 371 Maier Place B15, Columbus, Ohio 43215, in an amount up to \$2,750,000.00, in accordance with the terms and conditions of the contract on file in the Department of Public Utilities; and to expend up to \$2,000.00 to pay the Department of Public Service to perform prevailing wage services for the contract.

**SECTION 6.** That the expenditure of \$2,752,000.00, or so much thereof as may be needed, is hereby authorized to pay for this contract per the accounting codes in the attachment to this ordinance.

**SECTION 7.** That upon obtaining other funds for the purpose of funding sanitary capital improvement work, the City Auditor is hereby authorized to repay the Sanitary Reserve Fund the amount transferred above (Section 3), and said funds are hereby deemed appropriated for such purposes.

**SECTION 8.** That the City intends that this Ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$2,750,000.00 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse Sanitary Reserve Fund, Fund 6102, which is the fund from which the advance for costs of the Project will be made.

**SECTION 9.** Funds are hereby deemed appropriated and expenditures and transfers authorized to carry out the purposes of this ordinance and the City Auditor shall establish such accounting codes as necessary.

**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 the City Auditor is authorized to transfer the unencumbered balance in a project account to the unallocated balance account 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.

**SECTION 12.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.