



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 4/2/2024 **In control:** Public Utilities & Sustainability Committee

On agenda: 5/6/2024 **Final action:** 5/9/2024

Title: To authorize the Director of the Department of Public Utilities to enter into a construction contract with Harold J. Becker Company, Inc., for the Sewer Maintenance Operations Center Phase Five Roof Replacement; 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 \$1,439,400.60 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. (\$1,441,400.60)

Sponsors:

Indexes: WBE Participation

Code sections:

Attachments: 1. ORD 1013-2024 Utilization, 2. ORD 1013-2024 Accounting Template

Date	Ver.	Action By	Action	Result
5/9/2024	1	ACTING CITY CLERK	Attest	
5/7/2024	1	MAYOR	Signed	
5/6/2024	1	COUNCIL PRESIDENT	Signed	
5/6/2024	1	Columbus City Council	Approved	Pass
4/29/2024	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 Harold J. Becker Company, Inc. for the SMOC Phase V Roof Replacement SCP 12FW project, CIP #650234-100109, in an amount up to \$1,439,400.60, 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 \$1,441,400.60.

This is a contract for the fifth phase of roof replacement of the Sewer Maintenance Operation Center (SMOC) roof over the vehicle maintenance portion of the building. The work consists of roof removal to the deck, partial roof deck repair, new roof system installation, installation of lightning protection systems, and other such work as may be necessary to ensure that the building is watertight.

The Community Area is 63 - South Side.

TIMELINE: All work shall be substantially complete within 150 calendar days of the Notice to Proceed, with final completion to occur within 180 calendar days. The City anticipates issuing a Notice to proceed on or about July 11, 2024.

ESTIMATED COST OF PROJECT: The bid amount and proposed award amount is \$1,439,400.60, 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	\$1,439,400.60
Future Anticipated Needs	\$ 0.00
CONTRACT TOTAL	\$1,439,400.60
Prevailing Wage Charge	\$ 2,000.00
	\$1,441,400.60

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

Roof replacement of a failed roofing system provides watertight environmental controls to the important process equipment and building components housed in the structure. Removal and replacement of failed equipment, electronic and electrical components, would be a major impact to the budget. No community outreach or environmental factors are considered for this project.

3. BID INFORMATION

This project was formally advertised on the Vendor Services and Bid Express websites from 2/8/2024 through 3/13/2024. Three bids were received:

<u>Name</u>	<u>Bid Amount</u>	<u>City/State</u>	<u>Status</u>
Harold J. Becker Company, Inc.	\$1,439,400.60	Dayton, OH	MAJ
Kalkreuth Roofing and Sheet Metal, Inc.	\$1,467,510.00	Lewis Center, OH	MAJ
RJ Kirkland Construction Co. Inc.	\$1,635,218.20	Willoughby, OH	MAJ

Harold J. Becker Company, Inc.'s bid was deemed the lowest, best, most responsive bid. Harold J. Becker Company, Inc.'s certification was in good standing at the time of the bid award.

4. CONTRACT COMPLIANCE INFORMATION

Harold J. Becker Company, Inc.'s contract compliance number is CC004161 and expires 10/11/24.

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 12% 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 12% for this contract.

As part of their proposal, Harold J. Becker Company, Inc. has proposed the following subcontractors to perform contract work:

<u>Company Name</u>	<u>City/State</u>	<u>ODI Certification Status</u>
AHC, Inc.	Reynoldsburg, Ohio	MAJ
Maxwell Lightning Protection Company	Dayton, Ohio	MAJ
Roberts Service Group, Inc.	Columbus, Ohio	WBE
K & W Roofing, Inc.	Columbus, Ohio	WBE

The certification of Harold J. Becker Company, Inc. and the above companies was in good standing at the time the bid was awarded.

6. PRE-QUALIFICATION STATUS

Harold J. Becker Company, Inc. 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 0997-2023, passed by Council on 4/24/23. This specific project was added to the list after the ordinance was approved per Section 2 of the Ordinance that authorizes the Director of Public Utilities to add or subtract projects from the list per department need.

The Ohio Water Development Authority (OWDA) Direct Loan Program is a reimbursement program. Purchase orders will need to be established to Harold J. Becker Company, Inc. for these contracts. Public Utilities will need to pay invoices directly to Harold J. Becker Company, Inc. 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 \$ 1,439,400.60 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. The loan is expected to be approved in April 2024. 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. An amendment to the 2023 Capital Improvement Budget is needed to align budget authority with the proper project.

To authorize the Director of the Department of Public Utilities to enter into a construction contract with Harold J. Becker Company, Inc., for the Sewer Maintenance Operations Center Phase Five Roof Replacement; 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 \$1,439,400.60 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. (\$1,441,400.60)

WHEREAS, the Department of Public Utilities is engaged in the SMOC Phase V Roof Replacement SCP 12FW project; and

WHEREAS, three bids for the SMOC Phase V Roof Replacement SCP 12FW project were received and opened on 1/17/24; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to enter into a construction services contract with Harold J. Becker Company, Inc. for the SMOC Phase V Roof Replacement SCP 12FW project; and

WHEREAS, Ordinance 0997-2023 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 / P650234-100109 / SMOC Phase V Roof Replacement SCP 12FW (OWDA Direct Loan) / \$0.00 / \$1,439,401.00 / \$1,439,401.00 (To match loan amount)

6109 / P650234-100000 / Roof Replacement for DPU Facilities (Voted Sanitary Carryover) / \$146,530.00 / \$144,530.00 / (\$2,000.00)

6109 / P650234-100109 / SMOC Phase V Roof Replacement SCP 12FW (Voted Sanitary Carryover) / \$0.00 / \$2,000.00 / \$2,000.00

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 \$1,439,400.60 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 \$1,439,400.60, 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 the appropriation of \$1,439,400.60, or so much thereof as may be needed, is hereby authorized in the Sanitary-Fresh Water Market Rate Program, Fund 6124, per the accounting 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 SMOC Phase V Roof Replacement SCP 12FW project with Harold J. Becker Company, Inc., 3946 Indian Ripple Road, Dayton OH 45440, in an amount up to \$1,439,400.60, 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 \$1,441,400.60, 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 \$1,439,400.60 (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.