



## Legislation Details (With Text)

**File #:** 1942-2023      **Version:** 1

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

**File created:** 6/22/2023      **In control:** Public Utilities Committee

**On agenda:** 7/24/2023      **Final action:** 7/26/2023

**Title:** To authorize the Director of the Department of Public Utilities to enter into an agreement for Professional Engineering Services for the Jackson Pike A-Plant Secondary Clarifier Electrical Upgrades & Miscellaneous Improvements with Wade Trim, Inc.; to apply, accept, and enter into a Water Pollution Control Loan Fund loan agreement with the Ohio Water Development Authority and Ohio Environmental Protection Agency for the financing thereof and designate a dedicated source of repayment for the loan; to authorize the appropriation and transfer of funds from the Sanitary System Reserve Fund to the Water Pollution Control Loan Fund; to authorize an amendment to the 2023 Capital Improvements Budget; and to authorize the appropriation and expenditure of \$766,156.05 from the Water Pollution Control Loan Fund. (\$766,156.05)

**Sponsors:**

**Indexes:** MBE Participation, WBE Participation

**Code sections:**

**Attachments:** 1. ORD 1942-2023 Accounting Template, 2. ORD 1942-2023 Utilization

Date	Ver.	Action By	Action	Result
7/26/2023	1	CITY CLERK	Attest	
7/25/2023	1	ACTING MAYOR	Signed	
7/24/2023	1	COUNCIL PRESIDENT	Signed	
7/24/2023	1	Columbus City Council	Approved	Pass
7/17/2023	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND

This ordinance authorizes the Director of Public Utilities to enter into a contract for with Wade Trim, Inc. for the design of the Jackson Pike A-Plant Secondary Clarifier Electrical Upgrades & Miscellaneous Improvements, CIP #650245-100002, and to apply for, accept, and enter into a Water Pollution Control Loan Fund agreement with the Ohio Water Development Authority and the Ohio Environmental Protection Agency in an amount up to \$766,156.05.

This contract is for Step 1, Preliminary Design Services. This phase of the contract will include a condition assessment of the Jackson Pike A-Plant Secondary Clarifiers mechanical & electrical equipment, including drive mechanisms, conduit, junction boxes, and wiring with recommended repairs/replacement. A condition assessment engineering consulting services of the ACA MCC's & VFD's, ACA HVAC, ACA electrical lighting, ACA Backup Flushing Water System, ACA Dilution Water System, A-Plant effluent sampling, and A-Plant MLSS and RAS channel. Each of these assessments and evaluations will culminate in the production of a Detailed Design Memorandum (DDM) that will drive the ultimate design of this equipment upgrade and replacement project.

The community planning area for this project is 59 - Southwest.

**TIMELINE:** The initial term for this agreement will be for 11 months. Upon completion of Step 1 - Preliminary Design Services, a contract modification will be provided for Step 2 - Detailed Design Services and a second modification will be provided for Step 3 - Services during construction. The estimated end for all phases of the contract is anticipated to be in December 2026.

**ESTIMATED COST OF PROJECT:** The negotiated fee and proposed amount for Step 1 - Preliminary Design is \$766,156.05, including a 10% contingency amount that will be utilized to fund needed and approved changes in the work. Two contract modifications are anticipated for the contract, one for Step 2 - Detailed Design Services and one for Step 3 - Services during Construction.

Cost summary:

Original Contract	\$	766,156.05
Future Modification #1 (Estimate)	\$	1,155,000.00
<u>Future Modification #2 (Estimate)</u>	<u>\$</u>	<u>1,320,000.00</u>
<b>CONTRACT TOTAL</b>	<b>\$</b>	<b>3,241,156.05</b>

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

This project will include improvements that will help address corrosion and odor associated with the current process, as well as upgrade equipment and overall rehabilitate an outdated system. The Secondary process is a crucial process in treating wastewater and keeping our community and rivers clean. This process is one of the final steps in the treatment process for the wet stream and removes biological settle-able solids to reduce harmful parameters in the plants final effluent. Failure of this equipment would cease collection of the settle-able solids in the secondary clarifiers, which would then fill with solids that would overflow from the secondary tanks and eventually end up in the effluent, ultimately resulting in a violation and potential hazards.

**3. BID INFORMATION**

This project was formally advertised on the Vendor Services and Bonfire websites and opened 4/24/23. Three proposals were received:

<u>Name</u>	<u>C.C. No.</u>	<u>Exp. Date</u>	<u>City/State</u>	<u>Status</u>
Wade Trim, Inc.	040053	11/03/2023	Columbus, OH	MAJ
Burgess & Niple MAJ	004425	2/09/2024	Columbus, OH	
Hatch Associates MAJ	025646	03/08/2024	Columbus, OH	

All proposals were deemed responsive. The evaluation committee reviewed the proposals and recommended the contract for the Jackson Pike A-Plant Secondary Clarifier Electrical Upgrades & Miscellaneous Improvements project be awarded to Wade Trim, Inc.

Wade Trim, Inc.'s certification was in good standing at the time of the contract award.

**4. CONTRACT COMPLIANCE INFORMATION**

Wade Trim, Inc.'s contract compliance number is CC-040053 and expires 11/03/23. Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Wade Trim, Inc.

**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 bid documents for this contract.

As part of their proposal, Wade Trim, Inc. has proposed the following four subcontractors to perform contract work:

<u>Company Name</u>	<u>City/State</u>	<u>ODI Certification Status</u>	
Advanced Engineering Consultants, Ltd.	Columbus, Ohio	MBE	
CDM Smith		Columbus, Ohio	MAJ
DLZ	Columbus, Ohio	MBE	
360water, Inc.	Columbus, Ohio	WBE	

All subcontractor's certification was in good standing at the time the bid was awarded.

**6. FISCAL IMPACT**

This engineering consulting services contract is expected to be financed with a loan from the Water Pollution Control Loan Fund (WPCLF). This loan program is jointly administered by the Ohio EPA and the Ohio Water Development Authority (OWDA). Non-construction loans do not have a nomination deadline for pre-approval for this source of funding and are nominated as the need for financing arises.

This Ordinance authorizes the City Auditor to appropriate and transfer funds from the Sanitary System Reserve Fund, Fund 6102, to the Water Pollution Control Loan Fund, Fund 6111, in order to fund this proposed expenditure. This transaction is a temporary measure that is required until such time as the Division is able to execute a loan with the Water Pollution Control Loan Fund and reimburse the Water System Reserve Fund. The loan is expected to be approved in August 2023. The funds will need to be appropriated in Fund 6111. An amendment to the 2023 Capital Improvements Budget will also be necessary. Amendments to the 2023 Capital Improvement Budget are contingent upon approval of the 2023 Capital Improvement Budget.

To authorize the Director of the Department of Public Utilities to enter into an agreement for Professional Engineering Services for the Jackson Pike A-Plant Secondary Clarifier Electrical Upgrades & Miscellaneous Improvements with Wade Trim, Inc.; to apply, accept, and enter into a Water Pollution Control Loan Fund loan agreement with the Ohio Water Development Authority and Ohio Environmental Protection Agency for the financing thereof and designate a dedicated source of repayment for the loan; to authorize the appropriation and transfer of funds from the Sanitary System Reserve Fund to the Water Pollution Control Loan Fund; to authorize an amendment to the 2023 Capital Improvements Budget; and to authorize the appropriation and expenditure of \$766,156.05 from the Water Pollution Control Loan Fund. (\$766,156.05)

**WHEREAS**, the Department of Public Utilities is engaged in the Jackson Pike A-Plant Secondary Clarifier Electrical Upgrades & Miscellaneous Improvements project; and

**WHEREAS**, three proposals for the Jackson Pike A-Plant Secondary Clarifier Electrical Upgrades & Miscellaneous Improvements project were received and evaluated by the evaluation committee; and

**WHEREAS**, the evaluation committee recommended Wade Trim, Inc. be awarded the contract for this project; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to enter into a professional services contract with Wade Trim, Inc. for the Jackson Pike A-Plant Secondary Clarifier Electrical Upgrades & Miscellaneous Improvements project; and

**WHEREAS**, the 2023 Capital Improvements Budget must be modified for the purpose of providing sufficient funding and expenditure authority for the aforementioned project expenditure; and

**WHEREAS**, it is necessary to both appropriate funds from the Sanitary System Reserve Fund, Fund 6102, and to authorize the transfer of said funds into the Water Pollution Control Loan Fund, Fund 6111, in order to temporarily fund this expenditure, until such time as the City is able to execute a loan for the above stated purpose and reimburse the Sanitary System Reserve Fund; and

**WHEREAS**, the funds transferred into the Water Pollution Control Loan Fund (WPCLF), Fund 6111, will need to be

appropriated; and

**WHEREAS**, it is necessary to authorize an expenditure of funds from the WPCLF, Fund 6111, to pay for the contracted services for the project in order to temporarily fund this expenditure until such time as the City receives loan proceeds for the above stated purpose and reimburses the Sanitary System Reserve Fund; 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 construction of the Project described in this Ordinance (collectively, the “Project”); and

**WHEREAS**, the Department of Public Utilities is scheduled to prepare a Loan Application for submittal to the Ohio EPA under the WPCLF program to finance the construction of this project, the financial assistance for which may be of help in reducing total project costs to the City’s sewer rate payers; and

**WHEREAS**, the low-interest loan will be applied for based upon the availability of funds through the Ohio EPA’s WPCLF program and executed upon approval by Ohio EPA of the Loan Application; and,

**WHEREAS**, the WPCLF Loan Application and Loan Agreement documents require the City to submit to the Ohio EPA a certified copy of approved City Council legislation authorizing the Director of the Public Utilities Department to apply for and subsequently execute the WSRLA agreement and to authorize a dedicated source of repayment for the loan;  
**NOW, THEREFORE,**

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

**SECTION 1.** That the Director of Public Utilities is hereby authorized to apply for, accept, and enter into a Water Pollution Control Loan Fund loan agreement with the Ohio Environmental Protection Agency and administered by the Ohio Water Development Authority for the financing of engineering consulting services for the Jackson Pike A-Plant Secondary Clarifier Electrical Upgrades & Miscellaneous Improvements, CIP #650245-100002, based upon the availability of funds through the Ohio EPA’s Water Pollution Control Loan Fund program and the Agency’s approval, in the amount of \$766,156.05.

**SECTION 2.** Council recognizes the dollar amount of \$766,156.05 is the amount anticipated to be needed to be financed through loan funding for these engineering consulting services and authorizes the Director of the Department of Public Utilities to increase or decrease this amount as needed.

**SECTION 3.** 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**  
6111 / 650245-100002 / Jackson Pike A-Plant Secondary Clarifier Electrical Upgrades & Miscellaneous Improvements (WPCLF / OWDA) / \$0.00 / \$766,156.00 / \$766,156.00

**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, 2023, the sum of \$766,156.05 is appropriated in the Sanitary System Reserve Fund, Fund 6102, per the account codes in the attachment to this ordinance.

**SECTION 5.** That the transfer of \$766,156.05, or so much thereof as may be needed, is hereby authorized from the Sanitary System Reserve Fund, Fund 6102, to the Water Pollution Control Loan Fund, Fund 6111, per the account codes in the attachment to this ordinance.

**SECTION 6.** 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, 2023, the sum of

\$766,156.05 is appropriated in the Water Pollution Control Loan Fund, Fund 6111, per the account codes in the attachment to this ordinance.

**SECTION 7.** That the Director of Public Utilities is hereby authorized to enter into a professional services contract for the Jackson Pike A-Plant Secondary Clarifier Electrical Upgrades & Miscellaneous Improvements project with Wade Trim, Inc., 100 E. Campus View Boulevard, Suite 250, Columbus, OH 43235, in an amount up to \$766,156.05, in accordance with the terms and conditions of the contract on file in the Department of Public Utilities.

**SECTION 8.** That the expenditure of \$766,156.05, or so much thereof as may be needed, is hereby authorized to pay for this professional services contract per the accounting codes in the attachment to this ordinance.

**SECTION 9.** That city sanitary sewer user fees are hereby authorized to be the dedicated source of repayment for the Water Pollution Control Loan Fund loan for this project.

**SECTION 10.** That upon obtaining other funds for the purpose of funding water system capital improvement work, the City Auditor is hereby authorized to repay the Sanitary System Reserve Fund the amount transferred above (Section 5), and said funds are hereby deemed appropriated for such purposes.

**SECTION 11.** 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 \$11,838,000.00 (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 System Reserve Fund 6102, which is the fund from which the advance for costs of the Project will be made.

**SECTION 12.** 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 13.** 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 14.** That the City Auditor is hereby 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 15.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.