



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 11/16/2023 **In control:** Public Utilities Committee

On agenda: 12/11/2023 **Final action:** 12/14/2023

Title: To authorize the Director of Public Utilities to enter into a construction contract with Complete General Construction Company for the Inflow Redirection Markison, Hydraulic Modifications to Combined Sewer Overflow Regulator Markison, and Wilson Ave Waterline Improvements projects; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve to the Sanitary Revolving Loan Fund; to authorize the appropriation of funds within the Sanitary Revolving Loan Funds; to authorize the expenditure of up to \$30,451,881.42 from the Sanitary Revolving Loan Fund, the Sanitary Bond Fund, and the Water Bond Fund to pay for the project; and to declare an emergency. (\$30,451,881.42).

Sponsors:

Indexes: EBE Participation, MBE Participation, WBE Participation

Code sections:

Attachments: 1. ORD 3299-2023 Accounting Template, 2. ORD 3299-2023 Utilization DOW, 3. ORD 3299-2023 Utilization DOSD

Date	Ver.	Action By	Action	Result
12/14/2023	1	ACTING CITY CLERK	Attest	
12/13/2023	1	MAYOR	Signed	
12/11/2023	1	COUNCIL PRESIDENT	Signed	
12/11/2023	1	Columbus City Council	Approved	Pass

1. BACKGROUND

This ordinance authorizes the Director of Public Utilities to enter into a construction contract with Complete General Construction Company for CIP #650790-122181 Inflow Redirection Markison; #650790-122182 Hydraulic Modifications to CSO Regulator Markison; and #690236-100176 Wilson Ave Waterline Improvements, in an amount up to \$30,447,881.42; and to encumber funds with the Department of Public Service for prevailing wage services in an amount up to \$4,000.00 (for a total expenditure of \$30,451,881.42).

The work for this contract consists of approximately 19,538 feet of new storm sewer of various sizes, 209 structures (curb inlets/catch basins/manholes) 5,783 feet of new water mains of various sizes, pavement planning/replacement, demolition of existing combined sewer overflow (CSO) regulator/sanitary diversion structures, installation of new CSO regulator/sanitary diversion structures, and other such work as may be necessary to complete the contract. New storm sewers are to be constructed on Wilson Avenue, Linwood Avenue, Oakwood Avenue, Lockbourne Road, Studer Avenue, Markison Avenue, Jenkins Avenue, Frebis Avenue, Gates Street, Thurman Avenue, Deshler Avenue, Stewart Street, Reinhard Avenue, and Sheldon Avenue.

The Community Area for this ordinance will be 63, South Side.

TIMELINE: All work is to be substantially complete within 546 calendar days of the Notice to Proceed, with final completion to occur within 680 calendar days. The City anticipates issuing a Notice to Proceed on or about January 2, 2024.

ESTIMATED COST OF PROJECT: The bid amount and proposed award amount for the Public Sewer project is

\$28,345,080.39, including a 15% construction contingency amount; and is \$2,102,801.03 for the Water Line project, including a 10% construction contingency. 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	\$30,447,881.42
Future Anticipated Needs	\$0.00
Prevailing Wage Services	<u>\$4,000.00</u>
CONTRACT TOTAL	\$30,451,881.42

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

This project is a Consent Order project as identified in the Integrated Plan and 2015 WWMP Update Report needed to mitigate Combined Sewer Overflow (CSO) at the Markison CSO Regulator to a Typical Year Level of Service. This project will also mitigate potential water-in-basement occurrences in the Markison combined sewer basin up to the 10-year Level of Service.

Post cards were mailed to properties within the project boundary for a virtual Public Meeting held Tuesday, September 26, 2023.

3. CONSTRUCTION CONTRACT AWARD

An Invitation for Bids for Inflow Redirection Markison, Hydraulic Modifications to CSO Regulator Markison, and Wilson Ave Waterline Improvement projects were advertised on the Vendor Services and Bid Express websites from 10/11/23 through 11/08/23. One bid was received for the project and was opened on 11/08/23. The following company submitted a bid:

<u>Company</u>	<u>Bid Amount</u>	<u>Compliance Number</u>	<u>ODI Status</u>
Complete General Construction Company	\$30,447,881.42	CC006056	MAJ

The Complete General Construction Company bid was deemed the lowest, best, most responsive and responsible bid in the amount of \$30,447,881.42.

The certification of Complete General Construction Company was in good standing at the time the bid was awarded.

4. CONTRACT COMPLIANCE INFORMATION

Complete General Construction Company's contract compliance number is CC006056 and expires 5/10/25.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Complete General Construction Company.

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 8% as assigned by the City's Office of Diversity and Inclusion (ODI). After review of the Utilization Plan and other related information the contractor submitted with their bid response, an MBE/WBE Program goal of 8% for this contract has been established. 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.

Complete General Construction Company listed the following companies as subcontractors for this project:

<u>Company Name</u>	<u>City/State</u>	<u>ODI Certification Status</u>
Cap Stone & Associates	Columbus, Ohio	WBE
Bridges Hauling	Columbus, Ohio	MBE

JN Graham Trucking

Circelville, Ohio

EBE

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

6. PRE-QUALIFICATION STATUS

Complete General 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 the 650790-122181 Inflow Redirection Markison and 650790-122182 Hydraulic Modifications to CSO Regulator Markison construction portion of this contract will be obtained through a loan from the Water Pollution Control Loan Fund (WPCLF), jointly administered by the Ohio EPA's Division of Environmental and Financial Assistance and the Ohio Water Development Authority (OWDA). City Council authorized this loan application and acceptance of funding via Ordinance 2767-2023 passed by Council on 10/30/23. The loan is expected to be approved in late January, 2024. Funds will need to be certified against the Sanitary Sewer Reserve Fund, Fund 6102, to proceed with this project until the loan is approved. Funds will need to be appropriated within the Sanitary Sewer Reserve Fund, Fund 6102, transferred to the Sanitary Revolving Loan Fund, Fund 6111, and then appropriated in the Sanitary Revolving Loan Fund, Fund 6111, in order to fund these expenditures. These transactions are a temporary measure that is required until such time as the division is able to execute a loan with the WPCLF and reimburse the Sanitary Sewer Reserve. An amendment to the 2023 Capital Improvement Budget is needed to reflect the loan funding.

Funding for the 690236-100176 Wilson Ave Waterline Improvements portion of the contract, in the amount of \$2,102,801.03, and for the Department of Public Service for prevailing wage services in the amount of \$2,000.00, is available and appropriated in the Water Bond Fund, Fund 6006. An amendment to the 2023 Capital Improvement Budget is needed to align budget authority with the proper project.

Funding in the amount of \$2,000.00 for the prevailing wage services for 650790-122181 Inflow Redirection Markison and 650790-122182 Hydraulic Modifications to CSO Regulator Markison are budgeted, available, and appropriated in the Sanitary Bond Fund, Fund 6109.

8. EMERGENCY DESIGNATION

Emergency designation is requested for this ordinance. This project is a Consent Order project as identified in the Integrated Plan and 2015 Wet Weather Management Plan Update Report with a Substantial Completion date of July 1, 2025. It is needed to mitigate Combined Sewer Overflow (CSO) at the Markison CSO Regulator to a Typical Year Level of Service and to mitigate potential water-in-basement occurrences in the Markison combined sewer basin up to the 10-year Level of Service. Construction must begin as soon as possible to be able to meet the completion date in the consent order.

To authorize the Director of Public Utilities to enter into a construction contract with Complete General Construction Company for the Inflow Redirection Markison, Hydraulic Modifications to Combined Sewer Overflow Regulator Markison, and Wilson Ave Waterline Improvements projects; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve to the Sanitary Revolving Loan Fund; to authorize the appropriation of funds within the Sanitary Revolving Loan Funds; to authorize the expenditure of up to \$30,451,881.42 from the Sanitary Revolving Loan Fund, the Sanitary Bond Fund, and the Water Bond Fund to pay for the project; and to declare an emergency. (\$30,451,881.42).

WHEREAS, the Department of Public Utilities is engaged in the Inflow Redirection Markison, Hydraulic Modifications to CSO Regulator Markison, and Wilson Ave Waterline Improvements project; and

WHEREAS, one bid for the project was received and opened on 11/08/23; and

WHEREAS, the lowest, best, most responsive and responsible bid was from Complete General Construction Company; and

WHEREAS, Ordinance 2767-2023 approved this project to be funded by a loan obtained through the Water Pollution Control Loan Fund (WPCLF); and

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

WHEREAS, it is necessary to both appropriate funds in the Sanitary Sewer Reserve Fund and to authorize the transfer of said funds into the Sanitary Revolving Loan Fund 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 Sewer Reserve Fund; and

WHEREAS, the funds transferred into the Sanitary Revolving Loan Fund must be appropriated; 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, it is necessary to authorize the Director of the Department of Public Utilities to enter into a construction contract with Complete General Construction Company for the Inflow Redirection Markison, Hydraulic Modifications to CSO Regulator Markison, and Wilson Ave Waterline Improvements project; and

WHEREAS, it is necessary to authorize an expenditure of funds from the Sanitary Revolving Loan Fund, the Sanitary Bond Fund, and the Water Bond Fund to pay for the project; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately necessary to execute the contract so construction can begin as soon as possible to mitigate Combined Sewer Overflow (CSO) at the Markison CSO Regulator to a Typical Year Level of Service and to mitigate potential water-in-basement occurrences in the Markison combined sewer basin up to the 10-year Level of Service to be able to meet the substantial completion date of 7/1/25 in the consent order for this project, all for the immediate preservation of the public health, peace, property, safety, and welfare; **now, therefore**

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

SECTION 1. That the 2023 Capital Improvement 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 / 650790-122181 / Inflow Redirection Markison (WPCLF/OWDA) / \$0.00 / \$28,345,080.00 / \$28,345,080.00 (To match the loan amount)

6006 / 690236-100174 / Innovation District Water Extension (Voted Water Carryover) / \$2,450,000.00 / \$500,740.00 / (\$1,949,260.00)

6006 / 690236-100176 / Wilson Ave Waterline Improvements (Voted Water Carryover) / \$202,659.00 / \$2,151,919.00 / \$1,949,260.00

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, 2023, the sum of \$28,345,080.39 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 \$28,345,080.39, or so much thereof as may be needed, is hereby authorized between the Sanitary Reserve Fund, Fund 6102, and the Sanitary Revolving Loan Fund, Fund 6111, per the account codes in the attachment to this ordinance.

SECTION 4. That the appropriation of \$28,345,080.39, or so much thereof as may be needed, is hereby authorized in the Sanitary Revolving Loan Fund, Fund 6111, 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 contract for the Inflow Redirection Markison, Hydraulic Modifications to CSO Regulator Markison, and Wilson Ave Waterline Improvements project with Complete General Construction Company, 1221 East Fifth Ave., Columbus, OH 43219, in an amount up to \$30,447,881.42; in accordance with the terms and conditions of the contract on file in the Department of Public Utilities; and to obtain the necessary construction administration and inspection services for this project from the Department of Public Services in an amount up to \$4,000.00.

SECTION 6. That the expenditure of \$30,451,881.42, 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 sewer system and water line capital improvement work, the City Auditor is hereby authorized to repay the Sanitary System Reserve Fund, Fund 6102, 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 \$28,345,080.39 (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 the Sanitary Reserve Fund, 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 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 12. That for the reasons stated in the preamble hereto, which is made a part hereof, this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten (10) days after passage if the Mayor neither approves nor vetoes this Ordinance.