



## Legislation Details (With Text)

**File #:** 1782-2023      **Version:** 1

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

**File created:** 6/8/2023      **In control:** Public Utilities Committee

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

**Title:** To authorize an amendment to the 2023 Capital Improvement Budget; to authorize the appropriation and transfer of funds from the Water System Reserve Fund to the Water Supply Revolving Loan Account Fund; to authorize the Director of Public Utilities to enter into a construction contract with Kenmore Construction Co., for the HCWP Lime and Soda Ash Dust Collection System Improvements project; to authorize the appropriation and expenditure of up to \$3,164,800.00 from the Water Supply Revolving Loan Account Fund for the contract; to authorize the transfer of cash and appropriation between projects within the Water Bond Fund; and to authorize the expenditure of up to \$2,000.00 from the Water Bond Fund to pay for construction administration and inspection expenses for the project. (\$3,166,800.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 690545 100000 Utilization.pdf, 2. ORD 1782-2023 Template.pdf

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 construction contract with Kenmore Construction Co., for the HCWP Lime and Soda Ash Dust Collection System Improvements, CIP #690545-100000, in an amount up to \$3,164,800.00, and to encumber funds with the Department of Public Service for construction administration and inspection services in an amount up to \$2,000.00, for a total expenditure of \$3,166,800.00.

The work for this project consists of replacing the truck offloading piping, chemical silo pressure relief valves, instrumentation and controls, dust collection systems and to install an ambient dust monitoring system, and other such work as may be necessary to complete the contract, in accordance with the drawings, technical specifications, special provisions, and City of Columbus Construction and Material specifications set forth in the Invitation For Bid (IFB)

The Community Area for this ordinance will be 33 - Rocky Fork-Blacklick.

**TIMELINE:** Contract work is required to be substantially completed in a manner acceptable to the City within 650 calendar days, with final completion 680 calendar days from the date that a Notice to Proceed (NTP) is given by the City. The City anticipates issuing a Notice to Proceed on or about mid-September 2023.

**ESTIMATED COST OF PROJECT:** The bid amount and proposed award amount is \$3,166,800.00, including a 15% 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	\$3,164,800.00
Future Anticipated Needs	\$ 0.00
CONTRACT TOTAL	\$3,164,800.00
Davis Bacon (PW) Charges	\$ 2,000.00
TOTAL LEGISLATION:	\$3,166,800.00

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

This project is necessary as reliability in the chemical delivery is vitally important to the lime-soda softening treatment process at HCWP. Lime and soda-ash dust must be controlled for environmental, health, and safety reasons.

A majority of the HCWP lime and soda-ash handling equipment, piping and controls are more than thirty years old and are at the end of their useful life. Frequency of lime/soda-ash dust releases problems is increasing, impacting the plant's ability to safely and properly perform chemical unloading.

## **3. CONSTRUCTION CONTRACT AWARD**

An Invitation for Bids for the HCWP Lime and Soda Ash Dust Collection System Improvements project was advertised on the Vendor Services and Bid Express websites from 03/29/23 through 05/9/23. Two bids were received for the project and were opened on 05/9/23. The following companies submitted bids:

<u>Company</u>	<u>Bid Amount</u>	<u>Compliance Number</u>	<u>ODI Status</u>
Kenmore Construction Co.	\$3,164,800.00	CC-006456	MAJ
Kokosing Industrial	\$6,100,750.00	CC-005416	MAJ

The Kenmore Construction Co. bid was deemed the lowest, best, most responsive and responsible bid in the amount of \$3,164,800.00.

The certification of Kenmore Construction was in good standing at the time the bid was awarded.

## **4. CONTRACT COMPLIANCE INFORMATION**

Kenmore Construction Co., Inc.'s contract compliance number is CC-006456 and expires 11/21/24.

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

## **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 0% 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 0% for this contract. The contractor will not be contractually liable for achieving an MBE/WBE goal.

As part of their proposal, Kenmore Construction Co. has proposed the following subcontractor to perform contract work:

<u>Company Name</u>	<u>City/State</u>	<u>ODI Certification Status</u>
Claypool Electric, Inc.	Lancaster, Ohio	WBE
Hina Environmental Solutions, Inc.	Columbus, Ohio	MBE
Dublin Technical Systems, Inc.	Dublin, Ohio	MAJ
Howard Painting	Defiance, Ohio	MAJ
Summit Industrial Flooring	Moraine, Ohio	MAJ

## **6. PRE-QUALIFICATION STATUS**

Kenmore Construction Co. 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**

The construction portion of this project is anticipated to be financed with a loan from the Water Supply Revolving Loan Account (WSRLA). This loan program is jointly administered by the Ohio EPA's Division of Environmental and Financial Assistance (DEFA) and the Ohio Water Development Authority (OWDA). City Council authorized this loan application and acceptance of funding via Ordinance 1107-2022, passed by Council on 5/9/22. This loan is anticipated to be approved in July of 2023.

A transfer of funds from the Water System Reserve Fund, Fund 6003, to the Water Supply Revolving Loan Account Fund, Fund 6011, in the amount of \$3,164,800.00 is needed to fund construction for this project. This transaction is a temporary measure that is required until a loan is executed with the Ohio EPA to reimburse the Water System 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. Amendments to the 2023 Capital Improvement Budget are contingent upon approval of the 2023 Capital Improvement Budget.

Cash and appropriation in the amount of \$2,000.00 will need to be transferred between projects within the Water Bond Fund, Fund 6006, to align cash and appropriation with the proper project.

To authorize an amendment to the 2023 Capital Improvement Budget; to authorize the appropriation and transfer of funds from the Water System Reserve Fund to the Water Supply Revolving Loan Account Fund; to authorize the Director of Public Utilities to enter into a construction contract with Kenmore Construction Co., for the HCWP Lime and Soda Ash Dust Collection System Improvements project; to authorize the appropriation and expenditure of up to \$3,164,800.00 from the Water Supply Revolving Loan Account Fund for the contract; to authorize the transfer of cash and appropriation between projects within the Water Bond Fund; and to authorize the expenditure of up to \$2,000.00 from the Water Bond Fund to pay for construction administration and inspection expenses for the project. (\$3,166,800.00)

**WHEREAS**, the Department of Public Utilities is engaged in the HCWP Lime and Soda Ash Dust Collection System Improvements project; and

**WHEREAS**, two bids for the HCWP Lime and Soda Ash Dust Collection System Improvements project were received and opened on 05/17/23; and

**WHEREAS**, the lowest, best, most responsive and responsible bid was from Kenmore Construction Co.; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to enter into a construction contract with Kenmore Construction Co. for the HCWP Lime and Soda Ash Dust Collection System Improvements project; and

**WHEREAS**, ORD 1107-2022 authorized this project to be funded by a loan to be obtained through the Water Supply Revolving Loan Account (WSRLA) Loan; 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 and transfer funds from the Water System Reserve Fund to the Water Supply Revolving Loan Account; 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 appropriate and expend funds from the Water Supply Revolving Loan Account Fund to pay for the construction of this project; and

**WHEREAS**, it is necessary to transfer cash and appropriation between projects in the Water Bond Fund, Fund 6006, to align cash and appropriation with the proper project; and

**WHEREAS**, it is necessary to expend funds from the Water Bond Fund to pay the Department of Public Service for construction administration and inspection services for this project; **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**  
6011 / 690545-100000 / HCWP Lime and Soda Ash Dust Collection System Improvements (WSRLA Loan) / \$0.00 / \$3,164,800.00 / \$3,164,800.00 (To match the 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, 2023, the sum of \$3,164,800.00 is appropriated in the Water System Reserve Fund, Fund 6003, per the account codes in the funding attachment to this ordinance.

**SECTION 3.** That the transfer of \$3,164,800.00 or so much thereof as may be needed, is hereby authorized between the Water System Reserve Fund, Fund 6003, and the Water Supply Revolving Loan Account Fund, Fund 6011, per the accounting 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, 2023, the sum of \$3,164,800.00 is appropriated in the Water Supply Revolving Loan Account Fund, Fund 6011, per the account codes in the funding attachment to this ordinance.

**SECTION 5.** That the transfer of \$2,000.00, or so much as may be needed, is hereby authorized between projects in the Water Bond Fund, Fund 6006, per the account codes in the funding attachment to this ordinance.

**SECTION 6.** That the Director of Public Utilities is hereby authorized to enter into a construction contract for the HCWP Lime and Soda Ash Dust Collection System Improvements project with Kenmore Construction Co., 700 Home Avenue Akron, OH 44310, in an amount up to \$3,164,800.00; 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 \$2,000.00.

**SECTION 7.** That the expenditure of \$3,166,800.00, 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 8.** That upon obtaining other funds for the purpose of funding water system capital improvement work, the City Auditor is hereby authorized to repay the Water System Reserve Fund the amount transferred above (Section 3), and said funds are hereby deemed appropriated for such purposes.

**SECTION 9.** 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 \$3,164,800.00 (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 Water System Reserve Fund, Fund 6003, which is the fund from which the advance for costs of the Project will be made.

**SECTION 10.** 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 11.** 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 12.** 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 13.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.