



Legislation Details (With Text)

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File created: 1/27/2020 **In control:** Public Utilities Committee

On agenda: 3/2/2020 **Final action:** 3/5/2020

Title: To authorize the Director of Public Utilities to enter into a construction contract with Elite Excavating Co. of Ohio for the East Franklinton Phase 1 Project in an amount up to \$3,447,682.50; to authorize the appropriation and transfer of \$1,508,891.25 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the appropriation and expenditure of \$1,508,891.25 from the Ohio Water Development (OWDA) Loan Fund; to authorize a transfer of \$229,028.56, and expenditure up to \$288,516.25 within the Sanitary General Obligations Voted Bonds Fund; to authorize an expenditure up to \$1,652,275.00 within the Water General Obligations Bonds Fund; and to amend the 2019 Capital Improvements Budget. (\$3,449,682.50)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD 0329-2020 Bid Tab, 2. ORD 0329-2020 QFF Eval Loan Funded, 3. ORD 0329-2020 Information, 4. ORD 0329-2020 Utilization - Sewer LOAN, 5. ORD 0329-2020 Utilization - Sewer BOND, 6. ORD 0329-2020 Utilization - Water BOND, 7. ORD 0329-2020 map, 8. ORD 0329-2020 Funding

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 3/5/2020 | 1 | CITY CLERK | Attest | |
| 3/4/2020 | 1 | MAYOR | Signed | |
| 3/2/2020 | 1 | COUNCIL PRESIDENT | Signed | |
| 3/2/2020 | 1 | Columbus City Council | Approved | Pass |
| 2/24/2020 | 1 | Columbus City Council | Read for the First Time | |

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a construction contract with Elite Excavating Co. of Ohio for the East Franklinton Phase 1 Project, CIP No’s 650560-100001 & 690236-100115, in an amount up to \$3,447,682.50. This is a joint project between the Division of Sewerage and Drainage and Division of Water and includes installation of approximately 2,100 feet of 12” through 30” diameter storm sewer, 31 feet of 15” sanitary sewer, 865 feet of 6” through 8” water line and 1,994 feet of 16” water line in the East Franklinton area.

This project serves the “54 - Franklinton” community planning area and includes the following streets: W. Broad Street, W. Gay Street, Scott Street, and N. Mill Street.

This project has been approved for below market-rate loan financing through the Ohio Environmental Protection Agency’s Water Pollution Control Loan Fund (WPCLF) which is administered by the Ohio Water Development Authority (OWDA). The loan award is expected in March 2020, an OWDA Loan Account number will be assigned. Federal Davis-Bacon Wage Rates and Requirements will apply.

Funds in the amount of \$2,000.00 will also be encumbered for prevailing wage services to the Department of Public Service.

2. THE PROJECT TIMELINE: Contract work is required to be completed in a manner acceptable to the City within 365 days from the date that a Notice to Proceed (NTP) is given by the City.

3. PROCUREMENT: In accordance with the procedures set forth in the overall provisions of Columbus City Code, Section 329, Invitation for Bids were received January 15, 2020. Three (3) competitive bids were received. The following bidders submitted bids:

| <u>NAME</u> | <u>CC#/Exp. Date</u> | <u>DAX #</u> | <u>City/State</u> | <u>Status</u> |
|-------------------------------|----------------------|--------------|-------------------|---------------|
| Elite Excavating Co. of Ohio | 20-1643186 - 2/4/22 | 001064 | Mansfield, OH | MAJ |
| Complete General Construction | 31-4366382 - 7/8/21 | 006056 | Columbus, OH | MAJ |
| Shelly & Sands, Inc. | 31-4351261 - 3/1/20 | 006043 | Columbus, OH | MAJ |

The selection process used the Bid Tab and Quality Factor Form evaluation process and the project was awarded to the lowest responsive, responsible and best bidder, Elite Excavating Co. of Ohio.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Elite Excavating Co. of Ohio.

4. ECONOMIC/ENVIRONMENTAL IMPACT: This project will address consent order obligations to the Ohio EPA in the Dodge Park Combined Sewer Overflow area. Project will also facilitate redevelopment of Columbus's oldest neighborhood, Franklinton. The tremendous economic and social benefits to the area have been previously estimated and presented in a report "East Franklinton Creative Community District Plan".

5. FISCAL IMPACT: Funding for this project will come from the Ohio Water Development (OWDA) Loan Fund, the Water G.O. Bonds Fund, and the Sanitary G.O. Bonds Fund.

This Ordinance authorizes the City Auditor to appropriate and transfer funds from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund 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 OWDA Loan Fund and reimburse the Sanitary Sewer Reserve Fund. The loan is expected to be approved in March 2020.

There are sufficient funds within the Water G.O. Bonds Fund.

A transfer of funds within the Sanitary G.O. Bonds Fund will be necessary as well as an amendment to the 2019 Capital Improvements Budget.

To authorize the Director of Public Utilities to enter into a construction contract with Elite Excavating Co. of Ohio for the East Franklinton Phase 1 Project in an amount up to \$3,447,682.50; to authorize the appropriation and transfer of \$1,508,891.25 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the appropriation and expenditure of \$1,508,891.25 from the Ohio Water Development (OWDA) Loan Fund; to authorize a transfer of \$229,028.56, and expenditure up to \$288,516.25 within the Sanitary General Obligations Voted Bonds Fund; to authorize an expenditure up to \$1,652,275.00 within the Water General Obligations Bonds Fund; and to amend the 2019 Capital Improvements Budget. (\$3,449,682.50)

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract with Elite Excavating Co. of Ohio and to encumber and expend funds to provide for payment of prevailing wage services for the Division of Sewerage and Drainage's East Franklinton Phase 1 Project; and

WHEREAS, it is necessary to both appropriate funds from the Sewer System Reserve Fund 6102 and to authorize the transfer of said funds to the OWDA Loan Fund 6111 in order to temporarily fund this expenditure until such time as the

City receives loan proceeds for the above stated purpose and reimburse the Sewer 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, it is necessary to authorize a transfer and expenditure up to \$288,516.25 within the Sanitary G.O. Voted Bonds Fund 6109 and an expenditure up to \$1,652,275.00 within the Water G.O. Voted Bonds Fund 6006; and

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Utilities to authorize the Director to enter into a construction contract with Elite Excavating Co. of Ohio for the East Franklinton Phase 1 Project CIP No’s 650560-100001 & 690236-100115 for the preservation of the public health, peace, property, safety; **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 enter into a construction contract with Elite Excavating Co. of Ohio, 4500 Snodgrass Rd., Mansfield, OH 44903; for the East Franklinton Phase 1 Project in accordance with the terms and conditions as shown in the agreement on file in the office of the Division of Sewerage and Drainage in an amount up to \$3,447,682.50; and to obtain the necessary prevailing wage services from the Department of Public Services up to a maximum amount of \$2,000.00.

SECTION 2. That from the unappropriated monies in the Sanitary Sewer Reserve Fund No. 6102 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, 2020, the sum of \$1,508,891.25 is appropriated in Fund 6102, per the account codes in the funding attachment to this ordinance.

SECTION 3. That the transfer of \$1,508,891.25 or so much thereof as may be needed, is hereby authorized between the Sanitary Sewer Reserve Fund 6102 and OWDA Loan Fund 6111 per the accounting codes in the attachment to this ordinance.

SECTION 4. That the transfer of \$229,028.56 or so much thereof as may be needed, is hereby authorized between the Sanitary G.O. Bond Fund 6109 per the accounting codes in the attachment to this ordinance. (There is already \$59,487.69 in Fund 6109, CIP 650560-100001 {carryover}.)

SECTION 5. That the 2019 Capital Improvements Budget is hereby amended, as follows:

Fund No. 6111 (Sewer OWDA Loan Fund):

Project No. | Project Name | Current Authority | Revised Authority | (Change)

P650560-100001 (NEW) | E. Franklinton WL Imp's - Ph | \$1,318,100 | \$1,508,891 | +\$190,791 (establish authority to match expenditure)

Fund No. 6006 (Water G.O. Bonds):

Project No. | Project Name | Current Authority | Revised Authority | (Change)

P690236-100038 (NEW) | Main & James WL Imp's | \$1,600,000 | \$0 | -\$1,600,000
P690236-100070 (NEW) | S. Broadleigh Area WL Imp's | \$403,245 | \$350,970 | -\$52,275
P690236-100115 (NEW) | E. Franklinton WL Imp's - Ph 1 | \$0 | \$1,652,275 | +\$1,652,275

Fund No. 6109 (Sewer G.O. Bonds):

Project No. | Project Name | Current Authority | Revised Authority | (Change)

P590416-100000 (carryover) | Poindexter Village | \$31,906 | \$0 | -\$31,906
P650258-100001 (carryover) | Fac. & Equip Upgrade | \$400,001 | \$202,878 | -\$197,123
P650560-100001 (carryover) | E. Franklinton WL Imp's - Ph 1 | \$59,488 | \$288,517 | +\$229,029

SECTION 6. That the expenditure of \$3,449,682.50, or so much thereof as may be needed, is hereby authorized per the accounting codes in the attachment to this ordinance.

SECTION 7. That the said company, Elite Excavating Co. of Ohio, shall perform the work to the satisfaction of the Director of Public Utilities and the Administrators of the Division of Sewerage and Drainage and Division of Water.

SECTION 8. That the City Auditor is hereby authorized to transfer any unencumbered balance in the project account to the unallocated balance 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; except that no transfer shall be made from a project by monies from more than one source.

SECTION 9. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated and the City Auditor shall establish such accounting codes as necessary.

SECTION 10. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

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

SECTION 13. 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 \$1,508,891.25 (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/Sewer Reserve Fund 6102, which is the fund from which the advance for costs of the Project will be made.

SECTION 14. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.