



## Legislation Details (With Text)

**File #:** 1715-2023      **Version:** 1

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

**File created:** 6/2/2023      **In control:** Public Utilities Committee

**On agenda:** 7/17/2023      **Final action:** 7/21/2023

**Title:** To authorize an amendment to the 2023 Capital Improvement Budget; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund to the Sanitary Revolving Loan Fund; to authorize the appropriation of funds within the Sanitary Revolving Loan Fund; to authorize the Director of Public Utilities to enter into a construction contract with JLD Construction Services for the Roof Redirection - Blueprint North Linden 1, Agler/Berrell Project; and to authorize the expenditure of up to \$2,512,050.95 from the Sanitary Revolving Loan Fund and the Sanitary General Obligation Fund to pay for the project. (\$2,512,050.95)

**Sponsors:**

**Indexes:** MBE Participation

**Code sections:**

**Attachments:** 1. ORD 1715-2023 Accounting Template, 2. ORD 1715-2023 Utilization

Date	Ver.	Action By	Action	Result
7/21/2023	1	CITY CLERK	Attest	
7/20/2023	1	ACTING MAYOR	Signed	
7/17/2023	1	COUNCIL PRESIDENT	Signed	
7/17/2023	1	Columbus City Council	Approved	Pass
7/10/2023	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 JLD Construction Services, LLC for the Roof Redirection - Blueprint North Linden 1, Agler/Berrell Project, CIP #650871-141001, in an amount up to \$2,510,050.95, and to encumber funds with the Department of Public Service for prevailing wage services in an amount up to \$2,000.00 for the project.

This project involves the redirection of roof laterals to prevent excess stormwater from entering the City’s sanitary sewer system. No future phases are expected at this time.

ORD 3120-2022 authorized the Director of Public Utilities to apply for and execute a loan agreement with the Ohio Water Pollution Control Loan Fund (WPCLF) in an amount up to \$3,600,000.00 for the construction of this project.

The Community Planning Area is “40 - North Linden”.

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

This project is a Consent Order project and is an improvement identified in the Integrated Plan and 2015 WWMP Update Report. The project is needed to mitigate water in basement events and sanitary sewer overflows to the goal of a 10 year Level of Service (LOS). Public meetings were conducted to solicit public input regarding the project, and descriptions of the work associated with this project were included on the City of Columbus website.

### 3. CONSTRUCTION CONTRACT AWARD

An Invitation for Bids for the Roof Redirection - Blueprint North Linden 1, Agler/Berrell Project was advertised on the Vendor Services and Bid Express websites from 4/4/23 through 5/3/23. Two bids were received for the project and were opened on 5/23/23. The following companies submitted bids:

<u>Company</u>	<u>Bid Amount</u>	<u>Compliance Number</u>	<u>ODI Status</u>
JLD Construction Services, LLC	\$2,510,050.95	CC-041179	MBE
Mid State Basements	\$2,490,160.20	CC-030954	MAJ

JLD Construction Services, LLC applied for and received a \$50,000.00 bid incentive for Disadvantaged Businesses. This dropped their bid to the lowest response.

#### 4. CONTRACT COMPLIANCE INFORMATION

JLD Construction's contract compliance number is CC-041179 and expires 03/09/2024.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against JLD Construction Services, LLC.

#### 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.

JLD Construction Services, LLC is city certified as MBE and as part of their proposal, JLD Construction Services, LLC has proposed no subcontractors to perform contract work. The certification of JLD Construction Services, LLC was in good standing at the time the bid was awarded.

#### 6. PRE-QUALIFICATION STATUS

JLD Construction Services, LLC 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 expected to be financed with a loan from the Water Pollution Control Loan Fund (WPCLF). City Council authorized this loan application and acceptance of funding via Ordinance 3120-2022, passed by Council on 12/12/22.

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 again in order to fund this expenditure. This transaction is 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 Fund. The loan is expected to be approved in July, 2023.

Funds in the amount of \$2,000.00 are available and appropriated within the Sanitary Sewer General Obligation 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 necessary to align budget authority with the proper project.

To authorize an amendment to the 2023 Capital Improvement Budget; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund to the Sanitary Revolving Loan Fund; to authorize the appropriation of funds within the Sanitary Revolving Loan Fund; to authorize the Director of Public Utilities to enter into a construction contract with JLD Construction Services for the Roof Redirection - Blueprint North Linden 1, Agler/Berrell Project; and to authorize the expenditure of up to \$2,512,050.95 from the Sanitary Revolving Loan Fund and the Sanitary General Obligation Fund to pay for the project. (\$2,512,050.95)

**WHEREAS**, the Department of Public Utilities is engaged in the Roof Redirection - Blueprint North Linden 1, Agler/Berrell Project; and

**WHEREAS**, two bids for the Roof Redirection - Blueprint North Linden 1, Agler/Berrell Project were received and publicly opened in the offices of the Director of Public Utilities on 5/3/23; and

**WHEREAS**, the lowest, best, most responsive and responsible bid was from JLD Construction Services, LLC in the amount of \$2,510,050.95; and

**WHEREAS**, it is necessary to authorize an amendment to the 2023 Capital Improvements Budget for the purpose of providing sufficient budget authority for the aforementioned project expenditures; and

**WHEREAS**, it is necessary to both appropriate funds from 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 to enter into a construction contract with JLD Construction Services, LLC for the project; and

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

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to encumber and expend funds to provide for payment of prevailing wage services associated with said 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**

6111 / 650871-141001 / Roof Redirection - Blueprint North Linden 1, Agler/Berrell Project (WPCLF/OWDA) / 0.00 / \$2,510,051.00 / \$2,510,051.00 (To match the loan amount)

6109 / 650590-100000 / Ohio State University Area Utility Easement Project (Voted Sanitary Carryover) / \$24,566.00 / \$22,566.00 / (\$2,000.00)

6109 / 650871-141001 / Roof Redirection - Blueprint North Linden 1, Agler/Berrell Project (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, 2023, the sum of \$2,510,050.95 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 \$2,510,050.95, 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 \$2,510,050.95, 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 transfer of \$2,000.00, or so much thereof as may be needed, is hereby authorized between projects within the Sanitary Bond Fund, Fund 6109, per the account codes in the attachment to this ordinance.

**SECTION 6.** That the Director of Public Utilities is hereby authorized to enter into a construction contract for the Roof Redirection - Blueprint North Linden 1, Agler/Berrell Project with JLD Construction Services, LLC, 8077 Memorial Drive, Plain City, Ohio, 43064, in an amount up to \$2,510,050.95, in accordance with the terms and conditions of the contract on file in the Department of Public Utilities; and to obtain the necessary prevailing wage services from the Department of Public Service and to pay up to a maximum amount of \$2,000.00 for them.

**SECTION 7.** That the expenditure of \$2,512,050.95, or so much thereof as may be needed, is hereby authorized to pay for this contract and for the Department of Public Service to provide prevailing wage services for the contract, per the accounting codes in the attachment to this ordinance.

**SECTION 8.** 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 Reserve Fund the amount transferred under Section 3 above, and said funds are hereby deemed appropriated for such purpose.

**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 \$2,510,050.95 (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, Fund 6102, 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.