



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 4/13/2023 **In control:** Public Utilities Committee

On agenda: 5/22/2023 **Final action:** 5/24/2023

Title: To authorize an amendment to the 2022 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 Danbert, Inc. for the Blueprint Hilltop - Palmetto/Westgate Integrated Solutions Project; to authorize the expenditure of up to \$7,113,031.96 from the Sanitary Revolving Loan Fund and the Sanitary General Obligation Fund to pay for the project; and to authorize the maximum amount of the loan to fund construction for this project be increased. (\$7,113,031.96)

Sponsors:

Indexes: MBE Participation, WBE Participation

Code sections:

Attachments: 1. ORD 1183-2023 Accounting Template, 2. ORD 1183-2023 Utilization, 3. ORD 1183-2023 Information

Date	Ver.	Action By	Action	Result
5/24/2023	1	CITY CLERK	Attest	
5/23/2023	1	MAYOR	Signed	
5/22/2023	1	COUNCIL PRESIDENT	Signed	
5/22/2023	1	Columbus City Council	Approved	Pass
5/15/2023	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 Danbert, Inc. for the Blueprint Hilltop - Palmetto/Westgate Integrated Solutions Project, CIP #650870-100801, in an amount up to \$7,111,031.96, 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 consists of constructing bioretention basins/rain gardens within the Right-of-Way and on City owned properties in the Hilltop/Westgate area to store and treat storm water runoff as part of the City of Columbus' Wet Weather Integrated Plan mandated by the Ohio Environmental Protection Agency.

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 \$5,800,000.00 for the construction of this project. The construction bids came in higher than estimated, so it is necessary to also request City Council's approval to accept a loan for the construction of this project in an amount up to \$7,300,000.00.

The Community Planning Area is "53 - Greater Hilltop".

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

This project will capture and treat non-point source storm water runoff in order to improve water quality within the

receiving streams. Several public meetings were conducted to incorporate stakeholder input into the project design.

3. CONSTRUCTION CONTRACT AWARD

An Invitation for Bids for the Blueprint Hilltop - Palmetto/Westgate Integrated Solutions Project was advertised on the Vendor Services and Bid Express websites from 1/4/23 through 2/22/23. Two bids were received for the project and were opened on 2/22/23. The following companies submitted bids:

<u>Company</u>	<u>Bid Amount</u>	<u>Compliance Number</u>	<u>ODI Status</u>
Danbert, Inc.	\$7,111,031.96	CC-004618	MAJ
Facemyer Company	\$7,465,652.81	CC-005926	EBE

The Danbert, Inc. bid was deemed the lowest, best, most responsive and responsible bid in the amount of \$7,111,031.96.

4. CONTRACT COMPLIANCE INFORMATION

Danbert’s contract compliance number is CC-004618 and expires 02/09/2024.

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

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 “City’s Minority and Women-Owned Business Enterprise & Small Local Business Enterprise Program Manual” and in the bid documents for this contract.

As part of their proposal, Danbert has proposed the following nine subcontractors to perform contract work:

<u>Company Name</u>	<u>City/State</u>	<u>ODI Certification Status</u>
CAP-STONE & Associates, Inc.	Columbus, Ohio	WBE
Paul Peterson Company		Columbus, Ohio
MAJ		
Russell Tree Experts		Westerville, Ohio
MAJ		
Danbert Electrical Corp	Plain City, Ohio	MAJ
Griffin Striping	Columbus, Ohio	MAJ
Decker Construction		Columbus, Ohio
MAJ		
4K Landscape		Dublin, Ohio
MAJ		
Hurts Trucking, LLC	Columbus, Ohio	MBE
Garcia Surveyors	Columbus, Ohio	MBE

The certification of Danbert and of the above companies was in good standing at the time the bid was awarded.

6. PRE-QUALIFICATION STATUS

Danbert 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). 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 May, 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 2022 Capital Improvement Budget is necessary to align budget authority with the proper project.

To authorize an amendment to the 2022 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 Danbert, Inc. for the Blueprint Hilltop - Palmetto/Westgate Integrated Solutions Project; to authorize the expenditure of up to \$7,113,031.96 from the Sanitary Revolving Loan Fund and the Sanitary General Obligation Fund to pay for the project; and to authorize the maximum amount of the loan to fund construction for this project be increased. (\$7,113,031.96)

WHEREAS, the Department of Public Utilities is engaged in the Blueprint Hilltop - Palmetto/Westgate Integrated Solutions Project; and

WHEREAS, two bids for the Blueprint Hilltop - Palmetto/Westgate Integrated Solutions Project were received and publicly opened in the offices of the Director of Public Utilities on February 22, 2023; and

WHEREAS, the lowest, best, most responsive and responsible bid was from Danbert, Inc. in the amount of \$7,111,031.96; and

WHEREAS, it is necessary to seek City Council's approval to increase the amount of a loan to fund construction for this project from the Ohio Water Pollution Control Loan Fund (WPCLF); and

WHEREAS, it is necessary to authorize an amendment to the 2022 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 Danbert, Inc. 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 2022 Capital Improvement Budget authorized by Ordinance 1896-2022 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 / 650870-100801 / Blueprint Hilltop - Palmetto Westgate Integrated Solutions (WPCLF/OWDA Loan) / \$2,000,000.00 / \$7,111,032.00 / \$5,111,032.00 (To match amount to be borrowed from the loan fund)

6109 / 650870-100000 / Blueprint Integrated Approach (Voted Sanitary Carryover) / \$141,157.00 / \$139,157.00 / (\$2,000.00)

6109 / 650870-100801 / Blueprint Hilltop - Palmetto Westgate (Voted Sanitary Carryover) / \$669,798.00 / \$671,798.00 / \$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 \$7,111,031.96 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 \$7,111,031.96, 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 \$7,111,031.96, 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 Blueprint Hilltop - Palmetto/Westgate Integrated Solutions Project with Danbert, Inc., 8077 Memorial Drive, Plain City, Ohio, 43064, in an amount up to \$7,111,031.96, 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 6. That the expenditure of \$7,113,031.96, 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 7. 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 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 \$7,111,031.96 (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 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 City Council approves increasing the amount of a loan from the Ohio Water Pollution Control Loan Fund to fund construction for this project from a maximum of \$5,800,000.00 to a maximum of \$7,300,000.00.

SECTION 13. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.