



## Legislation Details (With Text)

**File #:** 0810-2022      **Version:** 1

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

**File created:** 3/11/2022      **In control:** Public Utilities Committee

**On agenda:** 4/18/2022      **Final action:** 4/20/2022

**Title:** To authorize the Director of Public Utilities to enter into a construction contract with Visu-Sewer of Ohio LLC for the 2021 Annual Lining Contract Project; to authorize the appropriation and transfer of \$4,731,639.50 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the appropriation and expenditure of \$4,731,639.50 from the Ohio Water Development (OWDA) Loan Fund; to authorize the transfer and expenditure of up to \$2,000.00 for prevailing wage services to the Department of Public Services within the Sanitary General Obligations Voted Bonds Fund; and to amend the 2021 Capital Improvement Budget. (\$4,733,639.50)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Funding Template, 2. Director's Legislation Information Sheet (9-8-14), 3. Utilization Form

Date	Ver.	Action By	Action	Result
4/20/2022	1	CITY CLERK	Attest	
4/19/2022	1	ACTING MAYOR	Signed	
4/18/2022	1	COUNCIL PRESIDENT	Signed	
4/18/2022	1	Columbus City Council	Approved	Pass
4/4/2022	1	Columbus City Council	Read for the First Time	

**BACKGROUND:** Project will rehabilitate existing sanitary sewers within the City of Columbus reducing inflow and infiltration to the City's sanitary system. Project will mitigate sanitary sewer overflows to basements and waterways.

Planning Areas: 11 - North Linden, 14 - South Linden, and 15 - Hilltop

**PROJECT TIMELINE:** Contract work is required to be complete in a manner acceptable to the City within 18 months from the date that a Notice To Proceed (NTP) is given by the City.

**PROCUREMENT INFORMATION:** The Division advertised for competitive bids submission for the subject services on the City's Vendor Services website and in the City Bulletin in accordance with the overall provisions of Chapter 329 of the Columbus City Code. The Division of Sewerage and Drainage received four (4) bids on February 9, 2022 from the following:

NAME	TAX ID	DAX #	City/State	Status	Expiration	Bid Amount
Visu-Sewer of Ohio LLC	39-1219110	038843	Reynoldsburg, OH	MAJ	7/27/2023	\$4,731,639.50
Granite Inliner	01-0684682	000027	Hilliard, OH	MAJ	10/26/2023	\$4,905,602.00
Insituform Technologies	13-3032158	000636	Chesterfield, MO	MAJ	4/28/2023	\$5,084,036.20
SAK Construction	20-4193988	001326	O Fallon, MO	MAJ	5/19/2022	\$5,815,226.00

Visu-Sewer of Ohio LLC is the low, responsive bidder per the overall provisions of Chapter 329 of the Columbus City Code.

**EMERGENCY DESIGNATION** is not requested at this time.

**ECONOMIC / ENVIRONMENTAL IMPACT:** Project will rehabilitate existing sanitary sewers within the City of Columbus reducing inflow and infiltration to the City's sanitary system. Project will mitigate sanitary sewer overflows to basements and waterways.

**FISCAL IMPACT:** This Ordinance authorizes the City Auditor to appropriate and transfer funds from the Sanitary Sewer Reserve Fund 6102 to the Ohio Water Development (OWDA) Loan Fund 6111 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 OWDA Loan Fund and reimburse the Sanitary Sewer Reserve Fund. The loan is expected to be approved in April, 2022. Additionally \$2,000.00 is necessary for Prevailing Wage Services from the Department of Public Service. The transfer within and expenditure of \$2,000.00 is needed from the Sanitary Sewer General Obligation Bond Fund 6109. An amendment to the 2021 Capital Improvement Budget is also necessary to align the authority.

To authorize the Director of Public Utilities to enter into a construction contract with Visu-Sewer of Ohio LLC for the 2021 Annual Lining Contract Project; to authorize the appropriation and transfer of \$4,731,639.50 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the appropriation and expenditure of \$4,731,639.50 from the Ohio Water Development (OWDA) Loan Fund; to authorize the transfer and expenditure of up to \$2,000.00 for prevailing wage services to the Department of Public Services within the Sanitary General Obligations Voted Bonds Fund; and to amend the 2021 Capital Improvement Budget. (\$4,733,639.50)

**WHEREAS**, the Division of Sewerage and Drainage advertised for competitive bids for the 2021 Annual Lining Contract Project, and four (4) bids were received on February 9, 2022; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to execute a construction contract with Visu-Sewer of Ohio LLC and to encumber and expend funds to provide for prevailing wage services for the Division of Sewerage and Drainage's 2021 Annual Lining Contract Project, CIP# 650404-100048; 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 reimburses 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 the transfer and expenditure of up to \$2,000.00 within the Sanitary G.O. Voted Bonds Fund 6109 for Prevailing Wage Services to the Department of Public Service; and

**WHEREAS**, it is necessary to authorize an amendment to the 2021 Capital Improvement Budget; and

**WHEREAS**, it has become necessary in the usual daily operation of the Department of Public Utilities, Division of Sewerage and Drainage, to authorize the Director to enter into a construction contract with Visu-Sewer of Ohio LLC in order to meet project deadlines and deliverables, for the preservation of the public health, peace, property, and 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 Visu-Sewer of Ohio, LLC, 6058 Taylor Rd. SW, Reynoldsburg, OH 43068; for the Division of Sewerage and Drainage's 2021 Annual Lining Contract, CIP# 650404-100048, in accordance with the terms and conditions as shown in the agreement on file in the office of the Division of Sewerage and Drainage; 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 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, 2022, the sum of \$4,731,639.50 is appropriated in Fund 6102, per the account codes in the funding attachment to this ordinance.

**SECTION 3.** That the transfer of \$4,731,639.50 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 \$2,000.00 or so much thereof as may be needed, is hereby authorized between the Sanitary Sewer General Obligations Fund 6109 for the Department of Public Service for prevailing wage services, per the accounting codes in the attachment to this ordinance

**SECTION 5.** That the expenditure of \$4,733,639.50, inclusive of \$2,000.00 to the Department of Public Service for prevailing wage services, or so much thereof as may be needed, is hereby authorized per the accounting codes in the attachment to this ordinance.

**SECTION 6.** That the 2021 Capital Improvement Budget is amended as per the accounting codes as attached to this ordinance.

**SECTION 7.** That the said company, Visu-Sewer of Ohio LLC, shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

**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 \$4,731,639.50 (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.