



Legislation Details (With Text)

File #: 2654-2019 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 10/4/2019 **In control:** Public Utilities Committee
On agenda: 10/28/2019 **Final action:** 10/31/2019

Title: To authorize the Director of Public Utilities to enter into a construction contract with the Righter Company Inc. for the Hayden Run Aerial Sewer Improvements Project; to authorize the appropriation and transfer of \$723,659.40 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize an expenditure of up to \$723,659.40 from the Ohio Water Development (OWDA) Loan Fund and \$2,000.00 from the Sanitary Sewer G.O. Bond Fund for Prevailing Wage administrative fees; to amend the 2019 Capital Improvements budget to provide sufficient authority; and to declare an emergency. (\$725,659.40)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ord 2654-2019 Utilization Hayden Run Aerial Sewer, 2. Ord 2654-2019 DAX Financial Form Hayden Run Aerial.pdf

Date	Ver.	Action By	Action	Result
10/31/2019	1	CITY CLERK	Attest	
10/30/2019	1	MAYOR	Signed	
10/28/2019	1	COUNCIL PRESIDENT	Signed	
10/28/2019	1	Columbus City Council	Approved	Pass

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a construction contract with The Righter Company, Inc. for the Hayden Run Aerial Sewer Improvements, CIP 650496-100000. The work for this project consists of replacing the aerial 42” sanitary sewer because the existing sanitary sewer has started to deteriorate. In addition to the pipe replacement, this project will restore structural integrity in the existing concrete piers and pipe supports, plus any additional work that may be necessary to complete the contract, in accordance with the drawings, technical specifications, and City of Columbus Construction and Material Specifications as set forth in this Invitation For Bid (IFB).

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). Ordinance 2551-2018, passed October 8, 2018, authorizes the Director of Public Utilities to enter into a WPCLF Loan for the project. The project’s assigned WPCLF Number is CS390274-0323. The loan award is expected on December 12, 2019, an OWDA Loan Account number will be assigned. For this reason Federal Davis-Bacon Wage Rates and Requirements will apply.

Planning Area: Hayden Run - 30

2. PROJECT TIMELINE: All work shall be substantially complete within 120 calendar days of the Notice to Proceed, with final completion to occur within 180 calendar days. The City anticipates issuing a Notice to proceed on or about November 2019.

3. PROCUREMENT INFORMATION: In accordance with the procedures set forth in the overall provisions of

Section 329 Columbus City Code four (4) bids were received and opened on September 25, 2019 at the Department of Public Utilities, 910 Dublin Road facility. The bidder information is listed below:

Name	C.C. No	Expires	Vendor #	City/State	Status
The Righter Company	31-0889208	01/19/20	004433	Columbus, OH	MAJ
Sunesis Construction	31-1323837	04/18/19	019623	West Chester, OH	MAJ
Complete General	31-4366382	07/08/21	006056	Columbus, OH	MAJ
George J. Igel & Co.	31-4214570	02/12/21	006024	Columbus, OH	MAJ

The Engineer's construction cost estimate was \$636,164.00

The Righter Company, Inc. was selected based on the Bid Tabulation and Quality Factor Form review.

4. CONTRACT COMPLIANCE NO.: 31-0889208 | Exp. 01/19/2020 | MAJ | Vendor#: 004433

5. EMERGENCY DESIGNATION: An emergency designation **is requested** for this legislation. Justification: Emergency legislation is requested to maintain project schedule. A donated temporary construction easement has seasonal limitations that dictate a tight construction schedule.

6. ECONOMIC IMPACT: This project will replace the aerial 42” sanitary sewer located northeast of the intersection of Riverside Drive (US 33) and Hayden Run Road as the existing 42” sanitary sewer has started to deteriorate. In addition to the pipe replacement, this project will restore structural integrity in the existing concrete piers and pipe supports.

7. FISCAL IMPACT: This ordinance authorizes the appropriation and transfer of \$723,659.40 from the Sanitary Sewer Reserve Fund 6102 to the Ohio Water Development (OWDA) Loan Fund 6111; an expenditure of up to \$723,659.40 from the OWDA loan fund; plus \$2,000.00 from the Sanitary Sewer G.O. Bond Fund 6109, for Prevailing Wage administrative fees; amends the 2019 Capital Improvements Budget; and aligns the budget authority for this project.

To authorize the Director of Public Utilities to enter into a construction contract with the Righter Company Inc. for the Hayden Run Aerial Sewer Improvements Project; to authorize the appropriation and transfer of \$723,659.40 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize an expenditure of up to \$723,659.40 from the Ohio Water Development (OWDA) Loan Fund and \$2,000.00 from the Sanitary Sewer G.O. Bond Fund for Prevailing Wage administrative fees; to amend the 2019 Capital Improvements budget to provide sufficient authority; and to declare an emergency. (\$725,659.40)

WHEREAS, it is necessary to authorize the Director of Public Utilities to enter into a construction contract with the Righter Company for the Hayden Run Aerial Sewer Improvements Project, CIP 650496-100000; and

WHEREAS, the Ohio Water Development Authority (OWDA) will approve an Ohio EPA WPCLF loan agreement with the City of Columbus for in the December 12, 2019 award period, in the amount of \$723,659.40 to provide financing for the above listed project with eligible costs including the construction contract and contingency; and

WHEREAS, it is necessary to both appropriate funds from the Sewer System Reserve Fund and to authorize the transfer of said funds to the OWDA Loan Fund 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, it is necessary to authorize the expenditure of up to \$723,659.40 from the Ohio Water Development (OWDA) Loan Fund 6111; and

WHEREAS, it is necessary to authorize a transfer within and an expenditure \$2,000.00 for Prevailing Wage Administrative Fees from the Sanitary Sewer G.O. Bond Fund 6109; and

WHEREAS, the aggregate principal amount of obligations which the City will issue to finance this project will not exceed \$723,659.40; 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 project described in this ordinance (the “Project”); and

WHEREAS, an emergency exists in the usual daily operations of the Divisions of Sewerage and Drainage, Department of Public Utilities and it is necessary to authorize the Director to enter into a construction contract with Righter Company Inc. for the Hayden Run Aerial Sewer Improvements Project, CIP 650496-100000 to maintain project schedule due to the seasonal limitations of a donated temporary construction easement, 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 The Righter Company, Inc., 2424 Harrison Rd, Columbus, Ohio 43204, for the Hayden Run Aerial Sewer Improvements Project, CIP 650496-100000 in accordance with the terms and conditions of the contract on file with the Division of Sewerage and Drainage.

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, 2019, the sum of \$723,659.40 is appropriated in Fund 6102, per the account codes in the funding attachment to this ordinance.

SECTION 3. That the transfer of \$723,659.40 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 expenditure of \$723,659.40, or so much thereof as may be needed, is hereby authorized in the Ohio Water Development (OWDA) Loan Fund 6111 per the accounting codes in the attachment to this ordinance.

SECTION 5. That the City Auditor is hereby authorized to transfer \$2,000.00 from the Sanitary Sewer General Obligation (G.O.) Bond Fund 6109, to the Department of Public Service for Prevailing Wage Administrative Fees, per the account codes in the attachment to this ordinance.

SECTION 6. That the expenditure of \$2,000.00 from the Sanitary Sewer General Obligation (G.O.) Bond Fund 6109, to the Department of Public Service for Prevailing Wage Administrative Fees, per the account codes in the attachment to this ordinance.

SECTION 7. That the 2019 Capital Improvement Budget is amended as follows:

<u>Fund #</u>	<u>Project No.</u>	<u>Project Name</u>	<u>Current Authority</u>	<u>Revised Authority</u>	<u>Net Change</u>
6111	P650871-110173	Roof Redir. Clintonville 1 Blenheim Glencoe	\$7,164,500	\$6,940,840	(-\$223,660)
6111	P650496-100000	Hayden Run Aerial Sewer Improvements	\$500,000	\$723,660	+223,660
6109	P650020-100000	Security & Emergency Preparedness (carryover)	\$3,623	\$1,623	(-\$2,000)
6109	P650496-100000	Hayden Run Aerial Sewer Imp. (carryover)	\$0	\$2,000	+\$2,000

SECTION 8: That the said company, The Righter Company, Inc., shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 9. 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 10. 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 11. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 12. 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 13. 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 14. 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 \$723,659.40 (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 15. That for reasons stated in the preamble hereto, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force and after its passage and approval by the Mayor or ten days after its passage if the Mayor neither approves nor vetoes the same.