



## Legislation Details (With Text)

**File #:** 2541-2016      **Version:** 1

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

**File created:** 10/2/2016      **In control:** Public Utilities Committee

**On agenda:** 12/5/2016      **Final action:** 12/7/2016

**Title:** To authorize the Director of Public Utilities to enter into a construction contract with Kenmore Construction Company for the Rickenbacker Area Sanitary Pump Station Project; to authorize the appropriation and transfer of \$510,150.00 from the Sanitary Sewer Reserve Fund to the Ohio Water Development Loan Fund; to authorize the expenditure of up to \$510,150.00 from said loan fund; and to amend the 2016 Capital Improvements Budget for the Division of Sewerage and Drainage. (\$510,150.00).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 2541-2016 Bid Tab 650775 092916, 2. Ord 2541-2016 Director's Legislation Information Sheet 092116, 3. Ord 2541-20165 DAX Financial Acct Template 650775, 4. Ord 2541-2016 SWIF 650775-100000 100316

Date	Ver.	Action By	Action	Result
12/7/2016	1	CITY CLERK	Attest	
12/7/2016	1	MAYOR	Signed	
12/5/2016	1	COUNCIL PRESIDENT	Signed	
12/5/2016	1	Columbus City Council	Approved	Pass
11/21/2016	1	Columbus City Council	Read for the First Time	

- BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with the Kenmore Construction Company for the Rickenbacker Area Sanitary Pump Station Project, CIP 650775-100000. 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 2241-2015, passed October 19, 2015, authorizes the Director of Public Utilities to enter into a WPCLF Loan for the project. The project's assigned WPCLF Loan Number is CS390274-0201. Upon the loan award which is expected on December 8, 2016 an OWDA Loan Account number will be assigned. The work for this project consists of the demolition of an existing sanitary pump station, installation of new submersible pumps and all associated equipment, installation of the control building's electrical and pump controls, communications requirements, site work, and other such work as may be necessary to complete the contract, in accordance with the drawings, technical specifications, and City of Columbus's Construction and Material Specifications.
- PROJECT TIMELINE:** the work is to be completed within 150 calendar days after the effective date of the Notice to Proceed.
- PROCUREMENT INFORMATION:** The Division advertised for competitive bids for the subject project on the City's Vendor Services website and in the City Bulletin in accordance with the overall provisions of Section 329 of Columbus's City Codes. The Division of Sewerage and Drainage received five (5) bids on August 24, 2016 from the following companies:

<u>4. Name</u>	<u>CCCN</u>	<u>Exp. Date</u>	<u>Vendor#</u>	<u>Status</u>	<u>City / State</u>
Kenmore Constr. Co., Inc.	34-0802152	10/04/18	006456	MAJ	Akron, Ohio
Peterson Construction Co.	34-1342365	08/05/18	018675	MAJ	Wapakoneta, Ohio
The Righter Company	31-0889208	02/18/18	004433	MAJ	Columbus, Ohio
HPH Mechanical Contractors	Not-Listed			MAJ	Toledo, Ohio

These bids were reviewed and ranked utilizing the Bid Tab and Quality Factor Form process. After reviewing these bids and the QFF form, it was determined that Kenmore Constr. Co., Inc. was the lowest responsive, responsible, and best bid. The Engineer's Estimate was \$343,260.00.

5. **EMERGENCY DESIGNATION:** An emergency designation **is not requested** at this time.

6. **CONTRACT COMPLIANCE NO:** 34-0802152 | MAJ | 10/4/18 | Vendor #: 006456

7. **ECONOMIC IMPACT:** This project will reduce the risk of sanitary sewer backups into area businesses or onto street or properties resulting from the failure of the pump station by upgrading the existing pumping station which is near or beyond the expected serviceable life.

8. **FISCAL IMPACT:** This legislation authorizes the appropriation and transfer of \$510,150.00 from the Sanitary Sewer Reserve Fund 6102, to the Ohio Water Development (OWDA) Loan Fund, Fund 6111; authorizes the appropriation and expenditure of up to \$510,150.00 from the loan fund; and authorizes an amend to the 2016 Capital Improvements Budget to create sufficient budget authority for this ordinance.

To authorize the Director of Public Utilities to enter into a construction contract with Kenmore Construction Company for the Rickenbacker Area Sanitary Pump Station Project; to authorize the appropriation and transfer of \$510,150.00 from the Sanitary Sewer Reserve Fund to the Ohio Water Development Loan Fund; to authorize the expenditure of up to \$510,150.00 from said loan fund; and to amend the 2016 Capital Improvements Budget for the Division of Sewerage and Drainage. (\$510,150.00).

**WHEREAS,** it is necessary to authorize the Director of Public Utilities to enter into a construction contract with the Kenmore Construction Company for the Rickenbacker Area Sanitary Pump Station Project, CIP 650775-100000; and

**WHEREAS,** the work for this project consists of demolition of existing sanitary pump station equipment, installation of new submersible pumps and all associated equipment, installation of a control building electrical and pump controls, communications, site work and other such work as may be necessary to complete the contract; and

**WHEREAS,** the OWDA will approve the funding for the WPCLF loan project number CS390274-0201 at their December 8th, 2016 meeting in the amount of \$510,150.00 to provide financing for the above listed project with eligible costs including the construction contract and contingency; and

**WHEREAS,** it is necessary to authorize appropriation and transfer of \$510,150.00 from the Sanitary Sewer Reserve Fund, Fund 6102, to the Ohio Water Development (OWDA) Loan Fund, Fund 6111; and

**WHEREAS,** this transfer should be considered as a temporary funding method; and

**WHEREAS,** the City will reimburse the Sanitary Sewer Reserve Fund 6102; and

**WHEREAS,** the aggregate principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$510,150.00; and

**WHEREAS**, it is necessary to authorize the expenditure of up to \$510,150.00 from the Ohio Water Development (OWDA) Loan Fund, Fund 6111; and

**WHEREAS**, it is necessary to authorize an amendment to the 2016 Capital Improvement Budget for purposes of creating and providing sufficient budget authority for the aforementioned expenditure; 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**, 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 the Kenmore Construction Company for the Rickenbacker Area Sanitary Pump Station Project at the earliest practical date for the preservation of the public health 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 the Kenmore Construction Company, 700 Home Ave, Akron, Ohio 44310, for the Rickenbacker Area Sanitary Pump Station Project in accordance with the terms and conditions on file in the office of the Division of Sewerage and Drainage.

**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 ended December 31, 2016, the sum of \$510,150.00 is appropriated in Fund 6102 per the account codes in the DAX Financial attachment to this ordinance.

**SECTION 3.** That the transfer of \$510,150.00 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 account codes in the DAX Financial attachment to this ordinance.

**SECTION 4.** That the appropriation and expenditure of \$510,150.00 or so much thereof as may be needed, is hereby authorized in Fund 6111 the OWDA loans Fund per the accounting codes in the attachment to this ordinance.

**Fund | Project Number | Project Name | Current | Revised | Change**

6111 | P650034-100006 | Black Creek Interceptor | \$15,419,100 | \$15,218,950 | (-\$200,150)

6111 | P650775-100000 | Rickenbacker Area Sanitary Pump Station Project | \$310,000 | \$510,150 | +\$200,150

**SECTION 5.** That Kenmore Construction Company shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

**SECTION 6.** That the City Auditor is hereby authorized to transfer the unencumbered balance in a 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.

**SECTION 7.** 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 8.** 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 9.** 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 10.** 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 \$510,150.00 (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 11.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.