



## Legislation Details (With Text)

**File #:** 0199-2023      **Version:** 1

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

**File created:** 1/12/2023      **In control:** Public Utilities Committee

**On agenda:** 2/27/2023      **Final action:** 3/1/2023

**Title:** To authorize the appropriation and transfer of funds from the Sewerage System Reserve Fund to the Ohio Water Development Authority Loan Fund; to authorize an appropriation of funds in the Ohio Water Development Authority Loan Fund; to authorize an amendment to the 2022 Capital Improvement Budget; to authorize the Director of Public Utilities to enter into a construction contract with Facemyer Landscaping for the Roof Redirection - Blueprint North Linden 1, Oakland Park Medina - Area 1 project; and to authorize an expenditure of up to \$3,692,654.16 within the Ohio Water Development Authority Loan Fund and the Sanitary Bond Fund to pay for the project. (\$3,692,654.16)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 0199-2023 Accounting Template, 2. ORD 0199-2023 Utilization Plan

| Date      | Ver. | Action By             | Action                  | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 3/1/2023  | 1    | CITY CLERK            | Attest                  |        |
| 2/28/2023 | 1    | MAYOR                 | Signed                  |        |
| 2/27/2023 | 1    | COUNCIL PRESIDENT     | Signed                  |        |
| 2/27/2023 | 1    | Columbus City Council | Approved                | Pass   |
| 2/13/2023 | 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 Facemyer Landscaping for the Roof Redirection - Blueprint North Linden 1, Oakland Park Medina - Area 1 project in an amount up to \$3,690,654.16, and to encumber funds with the Department of Public Service for prevailing wage services in an amount up to \$2,000.00.

This project involves the redirection of roof laterals to prevent excess storm water from entering the City’s sanitary sewer system. 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.

The Community Planning Area is North Linden (40).

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

The project is needed to mitigate water in basement events and sanitary sewer overflows to the goal of a 10 year Level of Service. 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 Initiation For Bid for this project was posted on the Vendor Services and Bid Express websites from 11/16/22 to 12/21/22. One bid was submitted from Facemyer Landscaping for \$3,690,654.16. Facemyer Landscaping’s bid was

evaluated and deemed the lowest, best, most responsive and responsible bid in the amount of \$3,690,654.16.

#### 4. PRE-QUALIFICATION STATUS

Facemyer Landscaping and all proposed subcontractors have met code requirements with respect to pre-qualification, pursuant to relevant sections of Columbus City Code Chapter 329.

#### 5. CONTRACT COMPLIANCE INFORMATION

Facemyer's contract compliance number is CC-005926 and expires 3/31/23.

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

#### 6. 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 review of the Utilization Plan and other related information the contractor submitted with their bid response, an MBE/WBE Program goal of 15% has been set 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 "City of Columbus MBE/WBE Program Special Provision" and in the bid documents for this contract.

#### 7. FISCAL IMPACT

This contract is expected to be funded with a loan from the Ohio Water Development Authority. The loan is expected to be approved in late February of 2023. It is necessary to appropriate and transfer funds from the Sewerage System Reserve Fund, Fund 6102, to the OWDA Loan Fund, Fund 6111, in order to fund this proposed expenditure. This transaction is a temporary measure that is required until such time as the Division is able to execute the above mentioned loan and reimburse the Sanitary Sewer Reserve Fund. It will also be necessary to appropriate the funds in Fund 6111 after they are transferred. An amendment to the 2022 Capital Improvement Budget is also necessary to match the cash transferred into Fund 6111.

Prevailing wage services will be provided by the Department of Public Service's Department of Design and Construction (DODC). It is necessary to establish an ACDC in the amount of \$2,000.00 to reimburse DODC for these services. There is sufficient funding and appropriation within the Sanitary Bond Fund, Fund 6109, for this expenditure. An amendment to the 2022 Capital Improvement Budget is necessary to align budget authority with the proper project.

To authorize the appropriation and transfer of funds from the Sewerage System Reserve Fund to the Ohio Water Development Authority Loan Fund; to authorize an appropriation of funds in the Ohio Water Development Authority Loan Fund; to authorize an amendment to the 2022 Capital Improvement Budget; to authorize the Director of Public Utilities to enter into a construction contract with Facemyer Landscaping for the Roof Redirection - Blueprint North Linden 1, Oakland Park Medina - Area 1 project; and to authorize an expenditure of up to \$3,692,654.16 within the Ohio Water Development Authority Loan Fund and the Sanitary Bond Fund to pay for the project. (\$3,692,654.16)

**WHEREAS**, the Department of Public Utilities is engaged in the Roof Redirection - Blueprint North Linden 1, Oakland Park Medina - Area 1 project; and

**WHEREAS**, one bid for the Roof Redirection - Blueprint North Linden 1, Oakland Park Medina - Area 1 project was received and opened in the offices of the Director of Public Utilities on December 21, 2022; and

**WHEREAS**, the lowest, best, most responsive and responsible bid was from Facemyer Landscaping in the amount of \$3,690,654.16; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to enter into a construction contract for the Roof Redirection - Blueprint North Linden 1, Oakland Park Medina - Area 1 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; and

**WHEREAS**, it is necessary to appropriate funds from the Sewerage System Reserve Fund and to transfer said funds into the Ohio Water Development Authority 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 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 an amendment to the 2022 Capital Improvement Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditures; and

**WHEREAS**, the funds transferred to the Ohio Water Development Authority Loan Fund must be appropriated; and

**WHEREAS**, the Director of Public Utilities must be authorized to enter into a construction contract with Facemyer Landscaping for the Roof Redirection - Blueprint North Linden 1, Oakland Park Medina - Area 1 project; and

**WHEREAS**, it is necessary to authorize an expenditure of funds from the Ohio Water Development Authority Loan Fund and the Sanitary Bond Fund to pay for the 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 / Current / Change / Amended**

6111 / 650871-141003 / Roof Redirection - Blueprint North Linden 1, Oakland Park Area 1 (WPCLF/OWDA) / \$2,809,450.00 / \$881,204.00 / \$3,690,654.00 (To match cash transferred from reserves)

6109 / 650871-141001 / Roof Redirection - Blueprint North Linden 1, Agler Berrel (Voted Sanitary Carryover) / \$527,942.00 / (\$2,000.00) / \$525,942.00

6109 / 650871-141003 / Roof Redirection - Blueprint North Linden 1, Oakland Park Area 1 (Voted Sanitary Carryover)) / \$456,195.00 / \$2,000.00 / \$458,195.00

**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 \$3,690,654.16 is appropriated in the Sewerage System Reserve Fund, Fund 6102, in Object Class 10 (Transfer Out Expenditure), per the account codes in the attachment to this ordinance.

**SECTION 3.** That the transfer of \$3,690,654.16, or so much thereof as may be needed, is hereby authorized between the Sewerage System Reserve Fund, Fund 6102, and the Ohio Water Development (OWDA) Loan Fund, Fund 6111, per the account codes in the attachment to this ordinance.

**SECTION 4.** That the appropriation of \$3,690,654.16, or so much thereof as may be needed, is hereby authorized in the Ohio Water Development 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 Roof Redirection - Blueprint North Linden 1, Oakland Park Medina - Area 1 project with Facemyer Landscaping, PO Box 304, Sunbury, Ohio, 43074, in an amount up to \$3,690,654.16 in accordance with the terms and conditions of the contract 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 Service and to pay up to a maximum amount of \$2,000.00 for them.

**SECTION 6.** That the expenditure of \$3,692,654.16, or so much thereof as may be needed, is hereby authorized 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 Sewerage System 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 \$3,690,654.16 (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 Sewer 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 this Ordinance shall take effect and be in force from and after the earliest period allowed by law.