



## Legislation Details (With Text)

**File #:** 1793-2018      **Version:** 1

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

**File created:** 6/19/2018      **In control:** Technology Committee

**On agenda:** 7/16/2018      **Final action:** 7/18/2018

**Title:** To authorize and direct the City Auditor to appropriate and transfer \$112,939.00 from the Special Income Tax Fund to the Information Services Taxable Debt Fund; to amend the 2018 capital improvement budget; to authorize the transfer of funds between projects in the Information Services Taxable Debt Fund; to authorize the Director of the Department of Technology to enter into contract with The Fishel Company for the installation of fiber optic cabling at nine locations to continue linking together the city's fiber optic pathway; to authorize the expenditure of \$723,594.33 from the Information Services Division, Capital Improvement Bond Fund; and to declare an emergency. (\$723,594.33)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Fishel bid response - 2018 spring fiber projects, 2. Copy of SpringFiberBid BidTab 2018, 3. 1793-2018EXP

Date	Ver.	Action By	Action	Result
7/18/2018	1	CITY CLERK	Attest	
7/17/2018	1	MAYOR	Signed	
7/16/2018	1	COUNCIL PRESIDENT	Signed	
7/16/2018	1	Columbus City Council	Approved	Pass

### **BACKGROUND**

This ordinance authorizes the Director of the Department of Technology (DoT) to enter into contract with the Fishel Company to install fiber optic cabling at nine (9) locations throughout the city. These locations include: 1096 West Broad Street (New Firehouse 10 building); East Goodale St. at Convention Center Drive; Taylor Ave. and 1111 East Broad St. to the City of Columbus' Traffic Signal System; West Third Ave. (near Olentangy River Rd. CTSS).; High Street (north) to I -270; Statehouse Garage and Rhodes Tower Penthouse; Traffic Maintenance Facility; Public Utilities Complex (Dublin Road); and Virginia Avenue. These projects link together locations that need to have fiber pathways joined together to put the fiber in service or provide the city with alternate fiber pathways to enhance circuit access.

Exercising due diligence, DoT solicited bids via the city's construction bid portal. On May 4<sup>th</sup>, 2018, at 1:00 pm, the two bids were received and opened. Amounts were as follows:

### **Spring Fiber Projects (9 locations fiber construction)**

Fishel - \$723,594.33  
Gudenkauf - \$822,000.00

DoT recommends that the award be made to the Fishel Company, having the lowest, responsive and responsible bid.

The term of the contract will be one year, effective from the date of a certified purchase order by the City Auditor's Office.

This ordinance also authorizes an appropriation and transfer from the Special Income Tax (SIT) fund to cover a shortfall of taxable capital fund cash, pending the next bond sale. Currently, there is \$610,655.60 in the Information Services Taxable Debt Fund, requiring a cash transfer from the SIT of \$112,939.00.

This ordinance also authorizes the 2018 Capital Improvement Budget (CIB) to be amended and the transfer of appropriation and cash between projects within the Information Services Taxable Debt Fund, to accommodate the expenditure authorized by this ordinance.

**EMERGENCY DESIGNATION**

Emergency designation is requested so that construction can begin and completed soon, during the spring/summer construction season.

**FISCAL IMPACT**

There is sufficient capital budget authority in the 2018 capital improvements budget for this project but insufficient cash in the (taxable) fund. Since tax-exempt bond moneys cannot be used for this project, a special income tax (SIT) fund certification is needed until the next bond sale. At that time, the SIT certification will be cancelled.

**CONTRACT COMPLIANCE**

Vendor Name: The Fishel Company

DAX No.: 006049

Contract Compliance No.: 31-4360115 Expires 4-6-2019

To authorize and direct the City Auditor to appropriate and transfer \$112,939.00 from the Special Income Tax Fund to the Information Services Taxable Debt Fund; to amend the 2018 capital improvement budget; to authorize the transfer of funds between projects in the Information Services Taxable Debt Fund; to authorize the Director of the Department of Technology to enter into contract with The Fishel Company for the installation of fiber optic cabling at nine locations to continue linking together the city's fiber optic pathway; to authorize the expenditure of \$723,594.33 from the Information Services Division, Capital Improvement Bond Fund; and to declare an emergency. (\$723,594.33)

**WHEREAS**, the Department has a robust fiber optic project plan in place; and

**WHEREAS**, on May 4<sup>th</sup>, 2018, two bids were received in response to a bid solicitation for fiber installation related to the spring fiber project; and

**WHEREAS**, the Fishel Company was the lowest, responsible and responsive bid; and

**WHEREAS**, the Department has a desire to enter into contract with the Fishel company; and

**WHEREAS**, it is necessary to amend the 2018 Capital Improvement Budget; and

**WHEREAS**, it is necessary to transfer funds from the Special Income Tax fund to fund this project; and

**WHEREAS**, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

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

**WHEREAS**, the aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$112,939.00; 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 Department of Technology in that it is immediately necessary to appropriate to and transfer from the Special Income Tax fund and amend the 2018 capital improvements budget to facilitate entering into contract with the Fishel Company for installation of fiber optic cable for the preservation of the public health, peace, property, safety and welfare; now therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** 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, 2018, the sum of \$112,939.00 is appropriated in the Special Income Tax Fund 4430-443001 Object Class 10 as follows (see 1793-2018EXP):

**Dept./Div.:** 22-01 | **Fund** 4430 | **Sub fund:** 443001 | **Object Class:** 10 | **Main Account:** 69101 | **Program:** CW001 | **Amount:** \$112,939.00

**SECTION 2.** That the transfer and subsequent appropriation of \$112,939.00, or so much thereof as may be needed, is hereby authorized between Fund 4430-443001 Special Income Tax Fund and Fund 5115, Information Services Taxable Debt Fund, as follows (see 1793-2018EXP):

**TRANSFER FROM:**

**Dept./Div.:** 22-01 | **Fund** 4430 | **Sub fund:** 443001 | **Object Class:** 10 | **Main Account:** 69101 | **Program:** CW001 | **Amount:** \$112,939.00

**TRANSFER TO:**

**Dept./Div.:** 47-02 | **Fund** 5115 | **Sub fund:** NA | **Object Class:** 80 | **Main Account:** 49001 | **Program:** CW001 | **Project No.:** P470046-100000 Connectivity Project Fiber/Wireless | **Amount:** \$112,939.00

**APPROPRIATION:**

**Dept./Div.:** 47-02 | **Fund** 5115 | **Sub fund:** NA | **Object Class:** 06 | **Main Account:** 66530 | **Program:** CW001 | **Project No.:** P470046-100000 Connectivity Project Fiber/Wireless | **Amount:** \$112,939.00

**SECTION 3.** That the transfer of cash and appropriation of between projects within Division 47-02, Fund 5115, Object Class 06, Main Account 66530, is hereby authorized as follows (see 1793-2018EXP):.

**FROM:**

**Project No. | Project Name**

P470046-100001 | CTSS Fiber Purchases B,C,D -\$2,246.00

P470046-100007 | Community Connectivity Project 29,115.00

**TO:**

**Project No. | Project Name**

P470046-100000 | Connectivity Project Fiber/Wireless 31,361.00

**SECTION 4.** That upon obtaining funds for this project for the Director of Technology, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under SECTION 2.

**SECTION 5.** That the 2018 Capital Improvement Budget authorized by ordinance 1010-2018 be and is hereby amended to provide sufficient authority for this project as follows:

**Project No. | Project Name | Current Authority | Revised Authority | Change**

P470046-100001 | CTSS Fiber Purchases B,C,D - carryover | \$2,246 | \$0 | -\$2,246  
P470046-100007 | Community Connectivity Project - carryover | \$29,115 | \$0 | -\$29,115  
P470046-100000 | Connectivity Project Fiber/Wireless - carryover | \$579,296 | \$610,657 | +\$31,361

**SECTION 6.** 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 \$112,939 (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 fund from which the advance for costs of the Project will be made.

**SECTION 7.** That the Director of the Department of Technology is hereby authorized to enter into contract with the Fishel Company for the installation of fiber optic cabling at nine 9 locations throughout the city in the amount of \$723,594.33, for a one year term, effective from the date of a certified purchase order from the City Auditor's Office.

**SECTION 8.** That the expenditure of \$723,594.33, or so much thereof as may be necessary, is hereby authorized to be expended from (see 1793-2018EXP):.

**Div.:** 47-02|**Fund:** 5115| **SubFund:** N/A| **Procurement Category:** Building and Facility Construction and Maintenance|  
**Project Name:** Connectivity Project Fiber/Wireless - carryover |**Project No.:**P470046-100000 carryover |**Obj. Class:** 06  
**Main Account:** 66530 |**Program Code:** CW001 |**Amount:** \$610,655.60

**Div.:** 47-02|**Fund:** 5115| **SubFund:** N/A| **Procurement Category:** Building and Facility Construction and Maintenance|  
**Project Name:** Connectivity Project Fiber/Wireless | **Project No.:**P470046-100000 |**Obj. Class:** 06 |**Main Account:**  
66530 |**Program Code:** CW001 |**Amount:** \$112,938.73

**SECTION 9.** That the monies in the foregoing Sections shall be paid upon order of the Director of Finance and Management, and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

**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 make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

**SECTION 12.** 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 13.** That for the reason stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

