



## Legislation Details (With Text)

**File #:** 2904-2016      **Version:** 1

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

**File created:** 11/6/2016      **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 George J. Igel & Company, Inc. for the Southerly Wastewater Treatment Plant (SWWTP) Site Preparation and Improvements; to authorize appropriation and transfer of \$4,879,400.00 from the Sanitary Sewer Reserve Fund to the Ohio Development Water Authority Loan Fund; to authorize the expenditure of said funds; and to declare an emergency. (\$4,879,400.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 2904-2016 Bid Tab Site Prep CEPT S86, 2. Ord 2904-2016 SWIF SWWTP Site Prep Improv 650367-5, 3. Ord 2904-2016 Director's Legislation Information Sheet (9-8-14), 4. Ord 2904-2016 DAX Financial Codes

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

1. **BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with George J. Igel & Company, Inc. for the Southerly Wastewater Treatment Plant (SWWTP) Site Preparation and Improvements, Contract S86, CIP 650367-100005. This project must be completed in advance of the Chemically Enhanced Primary Treatment Projects, which are scheduled to be awarded in second quarter of 2017, and are tied to a completion date as identified in the Wet Weather Management Plan agreement with the Ohio EPA. This project will complete activities critical to the success of the aforementioned forthcoming projects. The work for this project consists of clearing, earthwork and hauling, roadway installation, building construction and other site utilities and improvements, and other such work as may be necessary to complete the contract.

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). The project's assigned WPCLF Loan Number is CS390274-0226. The loan award is expected at the January 2017 meeting.

2. **PROJECT TIMELINE:** NTP (Notice to Proceed) is expected in mid-December, 2016. Critical Milestones are as follows:

- No. 1 Critical Submittals 30 days after NTP
- No. 2 CCTV of Existing Conduits 30 days after NTP
- No. 3 Completion of Gravel Roadway 75 days after NTP
- No. 4 Completion of CMT Trailer Complex 180 days after NTP
- No. 5 Completion of Embankment Work 175 days after NTP
- No. 6 Completion of Asphalt Roadway 180 days after NTP
- No. 7 Substantial Completion of all Work 270 days after NTP

No. 8 Final Completion 310 days after NTP.

3. **PROCUREMENT INFORMATION:** The Division advertised for competitive bids submission for the subject services on the City's Vendor Services website in accordance with the overall provisions of Section 329 of the Columbus City Code. The Division of Sewage and Drainage received five (5) bids on November 2, 2016 from the following companies:

Vendor Name	Compliance #	Vendor#	Exp. Date	Type	City/ State
George J. Igel & Co.	31-4214570	006024	02/03/17	MAJ	Columbus, OH
Shelly & Sands, Inc.	31-4351261	006043	12/23/17	MAJ	Columbus, OH
Shook Construction	31-0443680	004127	09/28/18	MAJ	Dayton, OH
Kokosing Constr Co.	31-1023518	004610	03/07/18	MAJ	Columbus, OH
McDaniel Constr. Corp.	31-1145406	004752	11/30/17	MBE	Columbus, OH

The bids were reviewed using the Bid Tab and QFF (Quality Factor Form) evaluation process. It was determined that George J Igel & Company, Inc. met the criteria for the project requirements and was the lowest responsive, responsible, and best bid. The Engineer's Estimate was \$6,268,699.12

4. **EMERGENCY DESIGNATION:** Emergency designation **is requested** at this time.

5. **CONTRACT COMPLIANCE NO:** 31-4214570 | Exp. 02/03/2017 | MAJ | Vendor #: 006024

6. **ECONOMIC / ENVIRONMENTAL IMPACT:** This project contains work that is to be completed in advance of the Chemically Enhanced Primary Treatment Projects, which are scheduled to be awarded in second quarter of 2017. This project will prepare the entire site for these contracts, which will help avoid conflicts over work boundaries and division of responsibility among the contracts down the road. Environmental studies were performed and steps were taken to mitigate any impacts of an environmental concern.

7. **FISCAL IMPACT:** This legislation authorizes the appropriation and transfer of \$4,879,400.00 from the Sanitary Sewer Reserve Fund 6102, to the Ohio Water Development (OWDA) Loan Fund, Fund 6111. This transaction is a temporary measure that is required until such time as the Division is able to execute a loan Water Pollution Control Loan Fund (WPCLF) administered by the Ohio Water Development Authority (OWDA) and reimburse the Sewer System Reserve Fund; and authorizes the expenditure of up to \$4,879,400.00 from the loan fund.

To authorize the Director of Public Utilities to enter into a construction contract with George J. Igel & Company, Inc. for the Southerly Wastewater Treatment Plant (SWWTP) Site Preparation and Improvements; to authorize appropriation and transfer of \$4,879,400.00 from the Sanitary Sewer Reserve Fund to the Ohio Development Water Authority Loan Fund; to authorize the expenditure of said funds; and to declare an emergency. (\$4,879,400.00)

**WHEREAS**, the Division of Sewerage and Drainage advertised for competitive bids for the subject services and received five (5) bids for the SWWTP Site Preparation and Improvements, CIP 650367-100005; and

**WHEREAS**, it was determined that the George J. Igel Company, Inc. be awarded the project based on the results of the Bid Tab and QFF evaluation process; and

**WHEREAS**, this project consists of clearing, earthwork and hauling, roadway installation, building construction and other site utilities and improvements for the SWWTP Site Preparation and Improvements; and

**WHEREAS**, it is necessary to appropriate funds from the Sewer System Reserve Fund, Fund 6102; and

**WHEREAS**, it is necessary to authorize the transfer the Reserve funds into the OWDA Loan Fund to provide temporarily funding for this expenditure pending the receipt of the loan proceeds; and

**WHEREAS**, it is necessary to authorize the expenditure of up to \$4,879,400.00 from the Ohio Water Development (OWDA) Loan Fund, Fund 6111; and

**WHEREAS**, the aggregate principal amount of obligations which the City will issue to finance this project will not exceed \$4,879,400.00; 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 usual daily operation of the Department of Public Utilities in that it is immediately necessary to authorize the Director to enter into a construction contract with George J. Igel & Company, Inc. for the Southerly Wastewater Treatment Plant (SWWTP) Site Preparation and Improvements project, CIP 650367-100005 at the earliest practical date for the preservation of the public health, peace, property, safety and welfare; **Now, Therefore**

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

**SECTION 1:** That the Director of Public Utilities is hereby authorized to enter into a construction contract with George J. Igel & Company, Inc., 2040 Alum Drive, Columbus, Ohio 43207 for the Southerly Wastewater Treatment Plant (SWWTP) Site Preparation and Improvements project, in the amount of \$4,879,400.00; in accordance with the terms and conditions of the contract 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 \$4,879,400.00 is appropriated in Fund 6102 per the account codes in the DAX Financial attachment to this ordinance.

**SECTION 3.** That the transfer of \$4,879,400.00 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 accounting codes in the DAX Financial attachment to this ordinance.

**SECTION 4.** That the appropriation and expenditure of \$4,879,400.00 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.

**SECTION 5.** That the said firm, George J. Igel & 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 6.** That the City Auditor is hereby authorized and directed 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 no longer required for said project; except that no transfer shall be made from a project account by monies from more than one source.

**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 \$4,879,400.00 (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 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.