



## Legislation Details (With Text)

**File #:** 3581-2022      **Version:** 1

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

**File created:** 12/13/2022      **In control:** Public Utilities Committee

**On agenda:** 2/13/2023      **Final action:** 2/15/2023

**Title:** To authorize the Director of the Department of Public Utilities to enter into a construction contract for the Big Walnut Sanitary Trunk Extension, Phase 2 project with Obayashi Corporation; to authorize the appropriation and expenditure of up to \$81,491,778.00 from the Ohio Water Development Loan Fund; to authorize an expenditure of up to \$2,000.00 from the Sanitary Bond Fund; to amend the 2022 Capital Improvements Budget, to authorize a transfer of cash and appropriation within the Sanitary Bond Fund; and to declare an emergency. (\$81,493,778.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 0052-2023 Information, 2. 0052-2023 Utilization, 3. 3581-2022 Accounting Template

Date	Ver.	Action By	Action	Result
2/15/2023	1	CITY CLERK	Attest	
2/14/2023	1	MAYOR	Signed	
2/13/2023	1	COUNCIL PRESIDENT	Signed	
2/13/2023	1	Columbus City Council	Approved	Pass

**1. BACKGROUND:** This ordinance authorizes the Director of the Department of Public Utilities to enter into a contract with Obayashi Corporation for the Big Walnut Sanitary Trunk Extension, Phase 2 project in an amount up to \$81,491,778.00 and to encumber funds with the Department of Public Service for prevailing wage services in an amount up to \$2,000.00 for Capital Improvements Project No. 650033-100002, Division of Sewerage & Drainage Contract Number 2764.

This project is an extension of the Big Walnut Sanitary Trunk Sewer north of Central College Road and east of Hoover Reservoir. The project will consist of a 72" finished diameter trunk constructed in the bedrock which continues in a north, north-easterly direction and stop near the intersection of Harlem Road and Smothers Road.

Planning area = "99-Citywide"

**TIMELINE & FUTURE RENEWAL(S):** The duration of the contract for the Big Walnut Sanitary Trunk Extension, Phase 2 project is expected to begin first quarter 2023 with an anticipated finish date in the second quarter of 2026.

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

This project is an extension of the Big Walnut Sanitary Trunk Sewer north of Central College Road and east of Hoover Reservoir. This project will provide sanitary sewer service for the rapidly developing area between Hoover Reservoir and the Village of New Albany, north of State Route 161.

**3. BID INFORMATION:** The Division advertised for competitive bids submission for the subject services on the City's Vendor Services website and in the City Bulletin in accordance with the overall provisions of Chapter 329 of the Columbus City Code. The Division of Sewerage and Drainage received seven (7) bids on November 16, 2022 from the

following:

1. Obayashi Corporation
2. Ohio Tunnel Joint Venture
3. Super Excavators, Inc.
4. McNally / Kiewit Joint Venture
5. Guy F. Atkinson Construction, LLC
6. Southland Contracting Inc.
7. Granite Construction Company

#### 4. CONTRACT COMPLIANCE INFO

Obayashi Corporation: 99-0117408, expires 9/13/2024, Majority, DAX No. 033371. Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Obayashi Corporation.

#### 5. CITY OF COLUMBUS 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 10% 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, ODI has approved an MBE/WBE Program goal of 1.4% 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 any penalties stated in the bid documents.

#### 6. EMERGENCY DESIGNATION:

Emergency designation **is requested** at this time so that project timelines and OWDA's funding schedules can be met.

**7. FISCAL IMPACT:** 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 loan award is expected in January 2023 when an OWDA Loan Account number will be assigned. Federal Davis-Bacon Wage Rates and Requirements will apply. Funding for Prevailing Wage Services (\$2,000.00) payable to the Department of Public Service will come from the Sanitary G.O. Fund 6109, and an amendment to the 2022 Capital Improvement Budget is necessary to align budget authority with the proper project. It is also necessary to transfer cash and appropriation within Fund 6109 to align them with the proper project.

To authorize the Director of the Department of Public Utilities to enter into a construction contract for the Big Walnut Sanitary Trunk Extension, Phase 2 project with Obayashi Corporation; to authorize the appropriation and expenditure of up to \$81,491,778.00 from the Ohio Water Development Loan Fund; to authorize an expenditure of up to \$2,000.00 from the Sanitary Bond Fund; to amend the 2022 Capital Improvements Budget, to authorize a transfer of cash and appropriation within the Sanitary Bond Fund; and to declare an emergency. (\$81,493,778.00)

**WHEREAS**, it is necessary to authorize the Director of Public Utilities to enter into a construction contract with Obayashi Corporation, for the Big Walnut Sanitary Trunk Extension, Phase 2 project CIP 650033-100002; and

**WHEREAS**, this contract was bid with an anticipated City of Columbus MBE/WBE Program goal of 10% 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, ODI has approved an MBE/WBE Program goal of 1.4% for this contract; and

**WHEREAS**, it is necessary to authorize an appropriation and expenditure of up to \$81,491,778.00 within the Ohio Water Development Authority Loan Fund 6111; and

**WHEREAS**, it is necessary to authorize an amendment to the 2022 Capital Improvements Budget for the purpose of providing sufficient budget authority for the aforementioned project expenditure; and

**WHEREAS**, a transfer of cash and appropriation within the Sanitary G.O. Bond Fund, Fund 6109, is needed to align cash and appropriation with the proper project; and

**WHEREAS**, it is necessary to authorize an expenditure of up to \$2,000.00 within the Sanitary G.O. Bond Fund, Fund 6109. for Prevailing Wage Services; 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 Obayashi Corporation for the Big Walnut Sanitary Trunk Extension, Phase 2 project CIP 650033-100002 in order to meet project deadlines and deliverables, and 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 the Director of the Department of Public Utilities be and hereby is authorized to enter into a construction contract for the Big Walnut Sanitary Trunk Extension, Phase 2 project CIP 650033-100002, with the most responsive, responsible, and best bidder: Obayashi Corporation, 577 Airport Blvd, Suite 600; Burlingame, CA 94010; in accordance with the terms and conditions as shown in the agreement 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 Services up to a maximum amount of \$2,000.00.

**SECTION 2.** That the 2022 Capital Improvements Budget is amended, as authorized per the accounting codes in the attachment to this ordinance.

**SECTION 3.** That a transfer of cash between projects within the Sanitary Bond Fund, Fund 6109, is authorized per the accounting codes attached to this ordinance.

**SECTION 4.** That the appropriation and expenditure of up to \$81,493,778.00, or so much thereof as may be needed, is hereby authorized per the accounting codes in the attachment to this ordinance.

**SECTION 5.** 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 6.** 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 7.** 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 8.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 9.** That for the reasons stated in the preamble hereto, which is made a part hereof, this Ordinance is 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 (10) days after passage if the Mayor neither approves nor vetoes this Ordinance.