



## Legislation Details (With Text)

**File #:** 1800-2024      **Version:** 1

**Type:** Ordinance      **Status:** Council Office for Signature

**File created:** 6/13/2024      **In control:** Public Utilities & Sustainability Committee

**On agenda:** 7/15/2024      **Final action:**

**Title:** To authorize the Director of the Department of Public Utilities to enter into a construction contract with Complete General Construction Company for the Moler Street Overflow Intercepting Sewer and the Moler Street Area Water Line Improvements projects; to appropriate funds; to authorize a transfer of funds from the Sanitary Reserve Fund and the Water Reserve Fund to the Sanitary Revolving Loan Fund and to the Water Fresh Water Market Rate Fund; to authorize a transfer of cash and appropriation between projects within the Sanitary Bond Fund; to authorize the expenditure of \$39,946,314.89 from the Sanitary Revolving Loan Fund, the Water Fresh Water Market Rate Fund, and the Sanitary Bond Fund to pay for the project; and to declare an emergency. (\$39,946,314.89)

**Sponsors:**

**Indexes:** EBE Participation, MBE Participation, WBE Participation

**Code sections:**

**Attachments:** 1. ORD 1800-2024 Accounting Template, 2. ORD 1800-2024 Utilization Total

Date	Ver.	Action By	Action	Result
7/15/2024	1	Columbus City Council		

### 1. BACKGROUND

This ordinance authorizes the Director of Public Utilities to enter into a construction contract with Complete General Construction Company via the City’s Invitation for Bid process for the Moler Street Overflow Intercepting Sewer and the Moler Street Area Water Line Improvements project, CIP #650763-100000 & 690236-100151, in an amount up to \$39,944,314.89; and to encumber funds with the Department of Public Service for construction administration services in an amount up to \$2,000.00, for a total expenditure of \$39,946,314.89.

The City of Columbus and the State of Ohio entered into a consent order in August of 2002 to resolve sanitary sewer overflow (SSO) related concerns for the City’s sanitary sewer system. The consent order requires the City to develop and implement a program to provide adequate capacity in the collection system, taking all feasible steps to address SSO’s. This is one of the projects implemented to comply with the consent order as identified in the Integrated Plan and 2015 Wet Weather Management Plan Update Report. The improvements must be substantially completed by July 1, 2025, to comply with the consent order. It is needed to mitigate combined sewer overflows that discharge into the Scioto River and to address Water in Basement occurrences in the Moler Street area.

The work for this project includes installation of approximately 1,844 feet of new 12”/18”/24”/72”/96” storm sewer; 25 structures (curb inlets/catch basins/manholes); 789 feet tunnel for 96” storm pipe; 196 feet jacked liner for 18” storm pipe; 823 feet of new 2”/4”/6”/8” water main; water service lines; pavement planing or replacement; and modification of existing combined sewer overflow (CSO) regulators. This project will redirect Moler Street Regulator combined sewer overflows that discharge to the Scioto River into the Olentangy-Scioto-Interceptor-Sewer Augmentation Relief Sewer (OARS). OARS redirects wet weather overflows that currently empty into the Scioto River and carry the flows instead to the city’s Jackson Pike and Southerly wastewater treatment plants. The project will also redirect the Moler Street Storm Sewer to convey stormwater flow to the Scioto River by flowing north along High Street and west along Gates Street. This redirected Moler Street Storm Sewer will address Water in Basement occurrences within the Moler combined sewer area.

The Community Area for this ordinance will be “63 - South Side”.

**TIMELINE:** All work shall be substantially complete by June 30, 2025, with final completion to occur by December 31, 2025. The City anticipates issuing a Notice to Proceed on or about August 1, 2024.

**ESTIMATED COST OF PROJECT:** The bid amount and proposed award amount is \$39,944,314.89, including a 15% construction contingency amount that will be utilized to fund needed and approved changes in the work. No contract modifications are anticipated at this time; however, construction exigency might later compel modification of this contract if unforeseen difficulties are encountered.

Cost summary:

Original Contract	\$39,944,314.89
Future Anticipated Needs	\$0.00
Prevailing Wage Services	<u>\$2,000.00</u>
TOTAL	\$39,946,314.89

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

This project will redirect Moler Street Regulator combined sewer overflows that discharge to Scioto River into OSIS Augmentation and Relief Sewer (OARS) Shaft 3. When constructed, the Moler Street Overflow Intercepting Sewer will convey both Moler St. regulator combined sewer overflows and South Side Interceptor sewer wet weather flows into OARS Shaft 3. Also included is the design to redirect Moler Street Storm Sewer to convey Stormwater flow to the Scioto River by flowing north along High Street and west along Gates Street. The redirected Moler Street Storm Sewer will address Water in Basement occurrences with future inflow redirection within the Moler combined sewer area.

## 3. CONSTRUCTION CONTRACT AWARD

An Invitation for Bids for the Moler Street Overflow Intercepting Sewer, Moler Street Area Water Line Improvements project was advertised on the Vendor Services and Bid Express websites from 05/03/24 through 06/05/24. One bid was received for the project and was opened on 06/05/24. The following company submitted a bid:

<u>Company</u>	<u>Bid Amount</u>	<u>Compliance Number</u>	<u>ODI Status</u>
Complete General Construction Company	\$39,944,314.89	CC006056	MAJ

The Complete General Construction Company bid was deemed the lowest, best, most responsive and responsible bid in the amount of \$39,944,314.89.

The certification of Complete General Construction Company was in good standing at the time the bid was awarded.

## 4. CONTRACT COMPLIANCE INFORMATION

Complete General Construction Company’s contract compliance number is CC006056 and expires 5/10/25.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Complete General Construction Company

## 5. 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 ODI’s 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 5.23% 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 bid documents for this contract.

Complete General Construction Company listed the following companies as subcontractors for this project:

<u>Company Name</u>	<u>City/State</u>	<u>ODI Certification Status</u>
CAP-Stone & Associates, Inc.	Columbus, Ohio	WBE
Ward & Burke Tunneling, Inc.	Columbus, Ohio	MAJ
Turn-Key Tunneling, Inc.	Columbus, Ohio	MAJ
Bridges Bros Trucking LLC	Columbus, Ohio	MBE
JN Graham Trucking, LLC	Kingston, Ohio	EBE
Material Hauling Ltd	Powell, Ohio	MBE
McDaniel's Construction Corp, Inc	Columbus, Ohio	MBE

The certification of Complete General Construction Company and the above companies was in good standing at the time the bid was awarded.

## 6. PRE-QUALIFICATION STATUS

Complete General Construction Company and all subcontractors have met code requirements with respect to pre-qualification, pursuant to relevant sections of Columbus City Code Chapter 329.

## 7. FISCAL IMPACT

### Division of Sewerage and Drainage Construction Funding

The Division of Sewerage and Drainage (DOSD) construction portion of this project (CIP #650763-100000) is anticipated to be financed with a loan from the Water Pollution Control Loan Fund (WPCLF), a program jointly administered by the Ohio EPA's Division of Environmental and Financial Assistance and the Ohio Water Development Authority (OWDA). City Council authorized this loan application and acceptance of funding via Ordinance 2767-2023, passed by Council on 10/30/2023. The loan is expected to be approved in August, 2024.

Funds will need to be appropriated within the Sanitary Sewer Reserve Fund, Fund 6102, transferred to the Sanitary Revolving Loan Fund, Fund 6111, and then appropriated in the Sanitary Revolving Loan Fund, Fund 6111, in order to fund this expenditure. This transaction is a temporary measure that is required until such time as the division is able to execute a loan with the WPCLF and reimburse the Sanitary Sewer Reserve Fund.

Funding in the amount of \$2,000.00 is appropriated and available within the Sanitary Bond Fund, Fund 6109, to pay the Department of Public Service to provide prevailing wage services for this project. The funds are appropriated. It is necessary to transfer cash and appropriation between projects within the Sanitary Bond Fund to align cash and appropriation with the proper project.

### Division of Water Construction Funding

Funding for this contract will be obtained through the Ohio Water Development Authority Direct Loan Program. City Council authorized this loan application and acceptance of loan funding via Ordinance 0652-2024, passed by Council on 03/25/24.

The Ohio Water Development Authority (OWDA) Direct Loan Program is a reimbursement program. Purchase orders will need to be established to Complete General Construction Company for these contracts. Public Utilities will need to pay invoices directly to Complete General Construction Company, and then submit reimbursement requests based upon these paid invoices to OWDA for OWDA to reimburse Public Utilities.

A transfer of funds from the Water Reserve Fund, Fund 6003, to the Water Fresh Water Market Rate Fund, Fund 6014, is needed to fund this contract. This transaction is a temporary measure that is required until a loan is executed with OWDA to reimburse the Water Reserve Fund. The loan is expected to be approved in July, 2024. These funds will also need to be appropriated to be transferred and then appropriated after transfer to the new Fund.

## 8. EMERGENCY DESIGNATION

Emergency designation is requested for this ordinance. This project is a Consent Order project as identified in the Integrated Plan and 2015 Wet Weather Management Plan Update Report with a Substantial Completion date of July 1,

2025, to comply with the Consent Order.

**..Title**

To authorize the Director of the Department of Public Utilities to enter into a construction contract with Complete General Construction Company for the Moler Street Overflow Intercepting Sewer and the Moler Street Area Water Line Improvements projects; to appropriate funds; to authorize a transfer of funds from the Sanitary Reserve Fund and the Water Reserve Fund to the Sanitary Revolving Loan Fund and to the Water Fresh Water Market Rate Fund; to authorize a transfer of cash and appropriation between projects within the Sanitary Bond Fund; to authorize the expenditure of \$39,946,314.89 from the Sanitary Revolving Loan Fund, the Water Fresh Water Market Rate Fund, and the Sanitary Bond Fund to pay for the project; and to declare an emergency. (\$39,946,314.89)

**WHEREAS**, the Department of Public Utilities is engaged in the Moler Street Overflow Intercepting Sewer and the Moler Street Area Water Line Improvements projects; and

**WHEREAS**, bids for the Moler Street Overflow Intercepting Sewer and the Moler Street Area Water Line Improvements project were received and opened on 06/05/24; and

**WHEREAS**, the lowest, best, most responsive and responsible bid was from Complete General Construction Company; and

**WHEREAS**, Ordinance 2767-2023 authorized the sewer work on this project to be funded by a loan to be obtained through the Water Pollution Control Loan Fund (WPCLF); and

**WHEREAS**, Ordinance 0652-2024 authorized the water work on this project to be funded by a loan to be obtained through the Ohio Water Development Authority (OWDA); and

**WHEREAS**, it is necessary to appropriate funds in the Sanitary Sewer Reserve Fund and to authorize the transfer of said funds into the Sanitary Revolving Loan Fund in order to temporarily fund this expenditure until such time as the City is able to execute a loan for this project and reimburse the Sanitary Sewer Reserve Fund; and

**WHEREAS**, the funds transferred into the Sanitary Revolving Loan Fund must be appropriated; and

**WHEREAS**, it is necessary to appropriate in the Water Reserve Fund and to authorize the transfer of said funds into the Water Fresh Water Market Rate Fund in order to temporarily fund this expenditure until such time as the City is able to execute a loan for this project and reimburse the Water Reserve Fund; and

**WHEREAS**, the funds transferred into the Water Fresh Water Market Rate Fund must be appropriated; 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 the Director of the Department of Public Utilities to enter into a construction contract with Complete General Construction Company for the Public Sanitary Sewers for Moler Street Overflow Intercepting Sewer and the Moler Street Area Water Line Improvements projects; and

**WHEREAS**, it is necessary to authorize an expenditure of funds from the Sanitary Revolving Loan Fund and the Water Fresh Water Market Rate Fund to pay for the project; and

**WHEREAS**, it is necessary to transfer cash and appropriation between projects within the Sanitary Bond Fund to align cash and appropriation with the proper project; and

**WHEREAS**, it is necessary to authorize the expenditure of funds from the Sanitary Bond Fund to provide for payment of

prevailing wage services associated with said project; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately necessary to execute the contract to comply with the terms of a consent order for project construction to be substantially completed by July 1, 2025, for the immediate preservation of the public health, peace, property, and safety; **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, 2024, the sum of \$39,944,314.89 is appropriated in Fund 6102 (Sanitary Reserve Fund), and Fund 6003 (Water Reserve Fund) per the account codes in the attachment to this ordinance.

**SECTION 2.** That the transfer of \$39,944,314.89, or so much thereof as may be needed, is hereby authorized between the Sanitary Reserve Fund and the Water Reserve Fund to the Sanitary Revolving Loan Fund and to the Water Fresh Water Market Rate Fund per the accounting codes in the attachment to this Ordinance.

**SECTION 3.** That the Director of the Department of Public Utilities is hereby authorized to enter into a construction contract for the Moler Street Overflow Intercepting Sewer and the Moler Street Area Water Line Improvements projects with Complete General Construction Company, 1221 East Fifth Avenue, Columbus, OH 43219, in an amount up to \$39,944,314.89; in accordance with the terms and conditions of the contract on file in the Department of Public Utilities.

**SECTION 4.** 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, 2024, the sum of \$39,944,314.89 is appropriated in Fund 6111 (Sanitary Revolving Loan Fund) and Fund 6014 (Water Fresh Water Market Rate Fund) per the account codes in the attachment to this ordinance.

**SECTION 5.** That a transfer of funds between projects in the Sanitary Bond Fund and an expenditure of up to \$2,000.00 from the Sanitary Bond Fund is authorized to pay for prevailing wage services for this project.

**SECTION 6.** That an expenditure not to exceed \$39,946,314.89 is authorized per the accounting codes in the attachment to this Ordinance for this project.

**SECTION 7.** That upon obtaining other funds for the purpose of funding sewer system and water system capital improvement work, the City Auditor is hereby authorized to repay the Sanitary System Reserve Fund, Fund 6102, and the Water Reserve Fund, Fund 6003, the amount transferred above (Section 2), and said funds are hereby deemed appropriated for such purposes.

**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 \$39,944,314.89 (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 Reserve Fund, Fund 6102, and the Water Reserve Fund, Fund 6003, which are the funds from which the advance for costs of the Project will be made.

**SECTION 9.** 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 10.** That the City Auditor is 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 11.** That 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 12.** 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.