



## Legislation Details (With Text)

**File #:** 3128-2023      **Version:** 1

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

**File created:** 11/2/2023      **In control:** Public Utilities Committee

**On agenda:** 12/11/2023      **Final action:** 12/14/2023

**Title:** To authorize the Director of the Department of Public Utilities to enter into a construction contract with Shelly and Sands, Inc., for the Roosevelt Drive Area Water Line Improvements project; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize a transfer of funds from the Water Reserve Fund to the Water Fresh Water Market Rate Fund; to authorize the appropriation of funds; and to authorize the expenditure of up to \$3,746,932.40 from the Water Fresh Water Market Rate Fund and the Water Bond Fund. (\$3,746,932.40)

### Sponsors:

**Indexes:** EBE Participation, WBE Participation

### Code sections:

**Attachments:** 1. ORD 3128-2023 Accounting Template.pdf, 2. ORD 3128-2023 Utilization Reporting Form.pdf, 3. ORD 3128-2023 Vicinity Map.pdf

Date	Ver.	Action By	Action	Result
12/14/2023	1	ACTING CITY CLERK	Attest	
12/13/2023	1	MAYOR	Signed	
12/11/2023	1	COUNCIL PRESIDENT	Signed	
12/11/2023	1	Columbus City Council	Approved	Pass
12/4/2023	1	Columbus City Council	Read for the First Time	

### 1. BACKGROUND

This ordinance authorizes the Director of the Department of Public Utilities to enter into a construction contract with Shelly and Sands, Inc. for the Roosevelt Drive Area Water Line Improvements, CIP No. 690236-100123, in an amount up to \$3,744,932.40, and to encumber funds with the Department of Public Service for prevailing wage services in an amount up to \$2,000.00, for a total expenditure of \$3,746,932.40.

Work consists of the rehabilitation of approximately 9,200 linear feet of 6-inch and 8-inch water mains, and other such work as may be necessary to complete the contract, in accordance with the drawings, technical specifications, special provisions, and City of Columbus Construction and Material Specifications as set forth in the Invitation For Bid (IFB). Work is to be performed on the following streets: the alley South of Bellwood Avenue; the alley South of Ruhl Avenue; Bellwood Avenue; North Roosevelt Avenue; Ruhl Avenue; Eastmoor Boulevard; Enfield Road; Hampshire Road; South Chesterfield Road; South Kellner Road; Templeton Road; and the alley north of East Main Street near South Chesterfield Road.

The Community Planning Area is "57 - Mid East".

### TIMELINE

All work shall be complete within 270 calendar days from the Notice to Proceed. The City anticipates issuing a Notice to Proceed in February 2024.

### ESTIMATED COST OF PROJECT

The bid amount and proposed award amount is \$3,744,932.40, including a 10% 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	\$3,744,932.40
Future Anticipated Needs	\$ 0.00
CONTRACT TOTAL	\$3,744,932.40
DPS Prevailing Wage Administration	<u>\$ 2,000.00</u>
	\$3,746,932.40

Construction Administration/Inspection will be performed by Prime AE, Inc.

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

The goal of this project is to replace or rehabilitate the existing water lines that have a high break frequency. Replacement of these water lines will improve water service, decrease burden on water maintenance operations, and reduce water loss. The Neighborhood Liaison(s) was contacted and informed of this project during the design phase. Further community outreach may result through the Neighborhood Liaison Program.

## **3. BID INFORMATION**

This project was formally advertised on the Vendor Services and Bid Express websites from September 13, 2023, through October 18, 2023. Three bids were received:

<u>Name</u>	<u>Bid Amount</u>	<u>City/State</u>	<u>Status</u>
Shelly & Sands, Inc.	\$3,744,932.40	Columbus, OH	MAJ
Danbert, Inc	\$3,965,546.17	Plain City, OH	MAJ
Elite Excavating Co. of Ohio, Inc.	\$4,076,204.00	Columbus, OH	MAJ

All bids were deemed responsive. Shelly & Sands, Inc.'s certification was in good standing at the time of the contract award.

## **4. CONTRACT COMPLIANCE INFORMATION**

Shelly & Sands, Inc.'s contract compliance number is CC006043 and expires 2/3/24. Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Shelly & Sands, Inc.

## **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 8% 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 8.0% for this contract.

A part of their proposal, Shelly & Sands, Inc. has proposed the following subcontractors to perform contract work:

<u>Company Name</u>	<u>City/State</u>	<u>ODI Certification Status</u>
CAP-Stone	Columbus, Ohio	WBE
BOCA Construction	Norwalk, Ohio	MAJ
Concrete Cutting and Breaking, Inc.	Columbus, Ohio	MAJ
Griffin Pavement Striping, Inc.	Columbus, Ohio	MAJ
Paul Peterson Co., Inc.	Columbus, Ohio	MAJ
Follow the River Environmental	McConnelsville, Ohio	EBE

The certification of the above companies was in good standing at the time the bid was awarded.

## **6. PRE-QUALIFICATION STATUS**

Shelly & Sands, Inc. and all subcontractors have met code requirements with respect to pre-qualification, pursuant to relevant sections of Columbus City Codes Chapter 329.

## **7. FISCAL IMPACT**

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 0997-2023, passed by Council on 4/24/23. Roosevelt Drive Area Water Line Improvements, CIP No. 690236-100123, is not listed as a project anticipated to be funded through this loan program in Ordinance 0997-2023. Section 2 of the Ordinance allows the Director of the Department of Public Utilities to add projects to the list per departmental need.

The Ohio Water Development Authority (OWDA) Direct Loan Program is a reimbursement program. Purchase orders will need to be established to Shelly & Sands for this contract. Public Utilities will pay invoices directly to Shelly & Sands and then submit reimbursement requests to OWDA based upon these paid invoices 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, in the amount of \$3,744,932.40, 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 Reserve Fund. The loan is expected to be approved in December, 2023. These funds will need to be appropriated in the Water Reserve Fund, Fund 6003, to be transferred and then appropriated after transfer to the Water Fresh Water Market Rate Fund, Fund 6014. An amendment to the 2023 Capital Improvement Budget is needed to align budget authority with the proper project.

Funds in the amount of \$2,000.00 are budgeted, available, and appropriated within the Water Bond Fund, Fund 6006, to pay the Department of Public Service to provide prevailing wage services for this project.

To authorize the Director of the Department of Public Utilities to enter into a construction contract with Shelly and Sands, Inc., for the Roosevelt Drive Area Water Line Improvements project; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize a transfer of funds from the Water Reserve Fund to the Water Fresh Water Market Rate Fund; to authorize the appropriation of funds; and to authorize the expenditure of up to \$3,746,932.40 from the Water Fresh Water Market Rate Fund and the Water Bond Fund. (\$3,746,932.40)

**WHEREAS**, the Department of Public Utilities is engaged in the Roosevelt Drive Area Water Line Improvements project; and

**WHEREAS**, Three bids for the Roosevelt Drive Area Water Line Improvements project were received and opened on October 18, 2023; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to enter into a construction services contract with Shelly & Sands, Inc. for the Roosevelt Drive Area Water Line Improvements project; and

**WHEREAS**, Ordinance 0997-2023 authorized the use of loans from the Ohio Water Development Authority (OWDA) Direct Loan Program to finance Public Utilities projects; and

**WHEREAS**, a loan application will be submitted to OWDA to finance this project; and

**WHEREAS**, the 2023 Capital Improvements Budget must be modified to align budget authority with the proper project; and

**WHEREAS**, it is necessary to both appropriate and transfer funds between the Water Reserve Fund and the Water Fresh Water Market Rate Fund; and

**WHEREAS**, it is necessary to appropriate funds in the Water Fresh Water Market Rate Fund; and

**WHEREAS**, it is necessary to expend funds from the Water Fresh Water Market Rate Fund and the Water Bond Fund to pay for the construction of this project; **NOW, THEREFORE**,

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

**SECTION 1.** That the 2023 Capital Improvements Budget authorized by Ordinance 1711-2023 be amended as follows to establish sufficient budget authority for this project:

**Fund / Project Number / Project Name (Funding Source) / Current Authority/ Revised Authority / Change**

6014 / 690236-100123 / Roosevelt Drive Area Water Line Improvements (OWDA Direct Loan) / \$0.00 / \$3,744,933.00 / \$3,744,933.00 (To match loan amount)

6006 / 690236-100085 / Livingston Avenue Area 12" WL Imp's (Voted Water Carryover) / \$44,621.00 / \$43,143.00 / (\$1,478.00)

6006 / 690236-100123 / Roosevelt Drive Area Water Line Improvements (Voted Water Carryover) / \$450,000.00 / \$451,478.00 / \$1,478.00

**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 \$3,744,932.40 is appropriated in Fund 6003 (Water Reserve Fund) per the account codes in the attachment to this ordinance.

**SECTION 3.** That the transfer of \$3,744,932.40, or so much thereof as may be needed, is hereby authorized between the Water Reserve Fund (Fund 6003) and the Water Fresh Water Market Rate Fund (Fund 6014) per the accounting codes in the attachment to this Ordinance.

**SECTION 4.** That the Director of the Department of Public Utilities is hereby authorized to enter into a construction services contract for the Roosevelt Drive Area Water Line Improvements project with Shelly & Sands, Inc., 1515 Harmon Ave., Columbus Ohio 43223, in an amount up to \$3,744,932.40, in accordance with the terms and conditions of the contract on file in the Department of Public Utilities; 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 5.** 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, 2023, the sum of \$3,744,932.40 is appropriated in Fund 6014 (Water Fresh Water Market Rate Fund) per the account codes in the attachment to this ordinance.

**SECTION 6.** That an expenditure not to exceed \$3,746,932.40 is authorized from Fund 6014 (Water Fresh Water Market Rate Fund) and Fund 6006 (Water Bond Fund) to pay Shelly & Sands for the Roosevelt Drive Area Water Line Improvements project per the accounting codes in the attachment to this Ordinance.

**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 Water Reserve Fund, Fund 6003, the amount transferred above (Section 3), 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 \$3,744,932.40 (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 Water

Reserve Fund, Fund 6003, which are the funds from which the advance for costs of the Project will be made.

**SECTION 9.** 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 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.