



## Legislation Details (With Text)

**File #:** 0845-2010      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 6/1/2010      **In control:** Safety Committee  
**On agenda:** 6/28/2010      **Final action:** 7/1/2010

**Title:** To authorize and direct the Finance and Management Director to enter into contract with Sutphen Corporation for the purchase of three (3) 100' aerial platform ladders; to authorize and direct the City Auditor to appropriate and transfer \$988,475.20 from the Special Income Tax Fund to the Safety Voted Bond Fund; to appropriate \$988,475.20 within the Safety Voted Bond Fund; to amend the 2010 CIB and transfer funds between projects; to authorize the expenditure of \$2,988,475.20 from the Build America Bonds Fund and the Voted Safety Bond Funds; to waive the competitive bidding provisions of the Columbus City Codes; and to declare an emergency. (\$2,988,475.20)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 20100609161811094.pdf, 2. Waiver Form-Ladders.pdf

Date	Ver.	Action By	Action	Result
7/1/2010	1	CITY CLERK	Attest	
6/30/2010	1	MAYOR	Signed	
6/28/2010	1	Columbus City Council	Approved	Pass
6/28/2010	1	COUNCIL PRESIDENT	Signed	
6/18/2010	1	ODI DIRECTOR	Reviewed and Approved	
6/18/2010	1	ODI DIRECTOR	Reviewed and Approved	
6/18/2010	1	Safety Reviewer	Reviewed and Approved	
6/18/2010	1	CITY ATTORNEY	Reviewed and Approved	
6/18/2010	1	Safety Reviewer	Sent to Clerk's Office for Council	
6/17/2010	1	FINANCE DIRECTOR	Reviewed and Approved	
6/17/2010	1	Safety Reviewer	Reviewed and Approved	
6/17/2010	1	CITY AUDITOR	Reviewed and Approved	
6/17/2010	1	CITY AUDITOR	Reviewed and Approved	
6/17/2010	1	Safety Reviewer	Reviewed and Approved	
6/17/2010	1	EBOCO Reviewer	Sent for Approval	
6/16/2010	1	Finance Reviewer	Reviewed and Approved	
6/4/2010	1	Finance Reviewer	Reviewed and Approved	
6/4/2010	1	Finance Reviewer	Reviewed and Approved	
6/2/2010	1	Safety Drafter	Sent for Approval	
6/2/2010	1	SAFETY DIRECTOR	Reviewed and Approved	

This legislation authorizes and directs the Finance and Management Director to enter into contract with Sutphen Corporation for the purchase of three (3) 100' aerial platform ladders to replace existing ladders and provide reserve apparatus for the Division of Fire. The Division of Fire utilizes fifteen (15) ladder companies throughout the City. These three new ladders will replace three of the existing ladders currently being used to service the City.

This ordinance also authorizes the appropriation and transfer of \$988,475.20 from the Special Income Tax Fund to the Public Safety Voted Bond Fund as a temporary measure for this purchase until bonds are sold later in the year. In addition, this ordinance amends the 2010 Capital Improvement budget and authorizes the City Auditor to transfer funds between projects within the Build America Bond Fund.

**Bid Information:** Competitive bids were solicited via Purchasing Office Solicitation SA003446, with four (4) vendors submitting bids as follows:

Ohio Caterpillar (Majority)	\$1,124,786.00
Smeal (Majority)	\$1,082,632.00
Ferrara Fire Apparatus (Majority)	\$1,056,152.00
Sutphen Corporation (Majority)	\$ 996,158.40

After review of the bids, it is the determination of the Public Safety Department that the bid submitted by the Sutphen Corporation is the lowest and best overall bid. Sutphen Corporation submitted the lowest ladder bid price and also specified a ladder that will meet the needs of the Fire Division. However, due to the number of specification exceptions listed in several of the bids, including Sutphen Corporation, the Public Safety Department recommends a waiver of the competitive bid requirements.

**Contract Compliance:** 310671786 expires 2/22/2012

**Emergency Designation:** Emergency action is requested as funds are needed before bids expire for this purchase.

**FISCAL IMPACT:** This ordinance authorizes the expenditure of \$2 million from the Build America Bonds (B.A.B) Fund and \$988,475.20 from the Special Income Tax Fund for the purchase of three aerial platform ladders from Sutphen Corporation for the Division of Fire. These funds are authorized in Public Safety's 2010 Capital Improvement Budget. However, bonds have yet to be sold for the whole project necessitating a certification of \$988,475.20 against the Special Income Tax Fund. Upon sale of bonds, the SIT will be reimbursed. The total cost of the purchase of the three ladders is \$2,988,475.20.

To authorize and direct the Finance and Management Director to enter into contract with Sutphen Corporation for the purchase of three (3) 100' aerial platform ladders; to authorize and direct the City Auditor to appropriate and transfer \$988,475.20 from the Special Income Tax Fund to the Safety Voted Bond Fund; to appropriate \$988,475.20 within the Safety Voted Bond Fund; to amend the 2010 CIB and transfer funds between projects; to authorize the expenditure of \$2,988,475.20 from the Build America Bonds Fund and the Voted Safety Bond Funds; to waive the competitive bidding provisions of the Columbus City Codes; and to declare an emergency. (\$2,988,475.20)

**WHEREAS,** a need exists to purchase three (3) 100' aerial platform ladders from the Division of Fire from the Safety Voted Bond Fund and the Build America Bonds for the purpose of replacing current ladders and providing reserve apparatus; and

**WHEREAS,** formal bids were solicited via Purchasing Solicitation SA003446, with Sutphen Corporation submitting the best overall bid; and

**WHEREAS,** it is necessary to waive formal competitive bidding requirements due to the number of specification exceptions of the bidders; and

**WHEREAS,** it is necessary to amend the 2010 Capital Improvement Budget and transfer funds between projects within the Build America Bond Fund; and

**WHEREAS,** it is necessary to appropriate and transfer funds from the Special Income Tax Fund to 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 as a temporary funding method; and

**WHEREAS**, the aggregate principal amount of obligations which the City will issue to finance this purchase is presently expected not to exceed \$988,475.20; 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");

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Safety, Division of Fire, in that it is immediately necessary to enter into contract to purchase said 100' aerial platform ladders, for the immediate 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 Finance and Management Director be and is hereby authorized and directed to enter into contract with Sutphen Corporation for the purchase of 100' aerial ladder platforms in accordance with Solicitation SA003446 which opened on February 4, 2010.

**SECTION 2.** That in accordance with section 329.27 of the Columbus City Code, this Council finds it in the best interest of the City to waive, and does hereby waive section 329.06 (Formal Competitive Bidding) of the Columbus City Code.

**SECTION 3.** The sum of \$988,475.20 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, 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, 2010 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

**SECTION 4.** That the City Auditor is hereby authorized to transfer said funds to the Public Safety Voted Bond Fund 701, at such time as is deemed necessary by the City Auditor, and to expend said funds, or so much thereof as may be necessary.

**SECTION 5.** That the amount of \$988,475.20 is hereby transferred and appropriated to Public Safety Voted Bonds, Division of Fire, 30-04, Fund 701, Fire Apparatus Replacement-Platform- 340101-100003, Object Level One 06, Object Level Three Code 6652, OCA 713403.

**SECTION 6.** That upon obtaining other funds for the purchase of Fire Apparatus-Platforms, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount appropriated in Section 3 and transferred under Section 4.

**SECTION 7.** That the City Auditor is authorized to establish proper accounting project numbers, and to make any accounting changes to revise the funding source for any contract or contract modification associated with this ordinance.

**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 \$988,475.20 (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 the 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 9.** That the 2010 CIB is amended as follows:

<u>Project/Project #</u>	<u>CIB Amount</u>	<u>Revised CIB</u>
Build America Bond 746 Fund 30-04		
Fire Apparatus Replacement 340101-100000 (Carryover)	\$2,000,000	\$0
Fire Apparatus Replacement Platform 340101-100003 (Carryover)	\$0	\$2,000,000

**SECTION 10.** That the city Auditor is hereby directed to transfer funds within the Build America Bond Fund as follows:

FROM

Dept/Div: 3004|Fund:746|Project Number: 340101-100000|Project Name: Fire Apparatus Replacement|OCA Code 710101|Amount: \$2,000,000.00

TO

Dept/Div: 3004|Fund:746|Project Number: 340101-100003|Project Name: Fire Apparatus Replacement-Platform|OCA Code: 763403|Object Level Three: 6652|Amount: \$2,000,000.00

**SECTION 11.** All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

**SECTION 12.** That the expenditure of \$2,988,475.20, or so much thereof as may be necessary in regard to the action authorized in SECTION 1, be and is hereby authorized and approved as follows:

Division: 30-04|Fund: 746|Project Name: Fire Apparatus Replacement-Platform|Project Number: 340101-100003|Object Level Three Code: 6652|OCA Code: 763403|Amount: \$2,000,000.00

Division: 30-04|Fund: 701|Project Name: Fire Apparatus Replacement-Platform|Project number: 340101-100003|Object Level Three Code: 6652|OCA Code: 713403|Amount: \$988,475.20

**SECTION 13.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared 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.