



Legislation Text

File #: 1278-2017, **Version:** 1

Background: This legislation authorizes the Finance and Management Director to enter into a contract on behalf of the Office of Construction Management with R.W. Setterlin Building Company in the amount of \$7,826,500 for the construction of a new fueling facility to be located at 5115 Krieger Court.

This new fueling facility will include a complete compressed natural gas (CNG) fueling center, which will be open to the public for CNG fueling needs. In addition to CNG, this new fueling facility will also contain a petroleum fueling center whereby both unleaded and diesel fuel will be dispensed from above ground storage tanks. These above ground storage tanks will include a 1,000 gallon gasoline tank and a 6,000 gallon diesel tank. Only city vehicles will be allowed access to the petroleum fueling section of the new fueling facility.

Primary users of this fueling facility include the Public Service Refuse Collection Division, the Public Service Infrastructure Management Division, as well as Fire Station 31. This fueling complex will be open to all city divisions 24/7 as well as other municipal agencies that have a shared services agreement with the city. Once completed, the city will be able to close five current city fuel sites that will no longer be needed.

The Department of Finance and Management, Office of Construction Management, solicited bids for construction through Bid Express from March 1, 2016 thru April 4, 2016. The City received one formal bid on April 4, 2016 as follows (0 FBE, 0 MBE):

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|---------------------------------|----------------|
| R.W. Setterlin Building Company | \$7,826,500.00 |
|---------------------------------|----------------|

The Office of Construction Management recommends the bid award be made to the best bidder, R.W. Setterlin Building Company.

Contract Compliance: R.W. Setterlin Building Company, 31-0836188, expires 2/24/19.

Fiscal Impact: This ordinance authorizes certification and transfer of \$1,500,000.00 from the Special Income Tax Fund and \$6,326,500.00 from the Fleet Management Capital Fund, for a combined total of \$7,826,500.00, with R.W. Setterlin Building Company for the construction of a new fueling facility at 5115 Krieger Court. The Fleet Management Division budgeted \$7,826,500.00 in the capital fund for this construction; however bonds in the amount of \$1,500,000.00 have not yet been sold by the City, thus the need for a Special Income Tax fund certification.

Emergency Action: Emergency action is requested so that contracting, mobilization, and actual construction can begin as soon as possible.

To authorize and direct the City Auditor to appropriate and transfer \$1,500,000.00 from the Special Income Tax Fund to the Fleet Management Capital Fund; to amend the 2017 Capital Improvement Budget; to authorize the transfer of funds between projects within the Fleet Management Capital Fund; to authorize the Director of Finance and Management to enter into a contract with R.W. Setterlin Building Company for the construction of a new fueling facility; to authorize the expenditure of \$7,826,500.00 from the Fleet Management Capital Fund; and to declare an emergency. (\$7,826,500.00)

WHEREAS, the Department of Finance and Management, Office of Construction Management, desires to enter into a construction contract with R.W. Setterlin Building Company for the construction of a new fueling facility at 5115 Krieger Court; and

WHEREAS, the Department of Finance and Management, Office of Construction Management, solicited competitive bids and R.W. Setterlin was deemed the lowest, best, most responsive, and most responsible bidder; and

WHEREAS, it is necessary to amend the 2017 Capital Improvement Budget; and

WHEREAS, it is necessary to transfer cash and appropriation between projects in the Fleet Management Capital Fund 5215; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to fund this project; and

WHEREAS, these transfers should be considered as a temporary funding method; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

WHEREAS, the aggregated principal amount of obligations which the city will issue to finance this project is presently expected not to exceed \$1,500,000; 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 Finance and Management Department, Office of Construction Management, in that it is immediately necessary to authorize the Director to enter into contract with R.W. Setterlin Building Company for the construction of a new fueling facility at 5115 Krieger Court, so that the project can be initiated as soon as possible due to construction work which is best done in warmer months, thereby preserving 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 is hereby authorized to enter into a construction contract, on behalf of the Office of Construction, with R.W. Setterlin Building Company for the construction of a new fueling facility at 5115 Krieger Court.

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, 2017, the sum of \$1,500,000.00 is appropriated in the Special Income Tax Fund 4430-443001 Object Class 10 per the account codes in the attachment to this ordinance.

See Attached File: Ord 1278-2017 Legislation Template.xls

SECTION 3. That the appropriation and transfer of \$1,500,000.00, or so much thereof as may be needed, is hereby authorized between Fund 4430-443001 Special Income Tax Fund and Fund 5215 Fleet Management Capital Fund per the account codes in the attachment to this ordinance.

See Attached File: Ord 1278-2017 Legislation Template.xls

SECTION 4. That the transfer of cash and appropriation of \$697,031.00 between projects within Fund 5215 is hereby authorized per the account codes in the attachment to this ordinance.

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SECTION 5. That upon obtaining funds for this project for the Director of Finance and Management, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under SECTION 3.

SECTION 6. That the 2017 Capital Improvement Budget authorized by ordinance 1124-2017 be and is hereby amended to provide sufficient authority for this project as follows:

Project No. | Project Name | Current Authority | Revised Authority | Change

P550006-100000 | CNG at 2nd City Location | \$725,600 | \$28,569 | -\$697,031

P550006-100005 | CNG West - Station Construction | \$5,629,753 | \$6,326,784 | +\$697,031

SECTION 7. 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 \$1,500,000 (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 fund from which the advance for costs of the Project will be made.

SECTION 8. That the expenditure of \$7,826,500.00 or so much thereof as may be needed, is hereby authorized in the Fleet Management Capital Fund 5215 in Object Class 06 Capital Outlay per the accounting codes in the attachment to this ordinance.

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SECTION 9. That the monies in the foregoing Sections shall be paid upon order of the Director of Finance and Management, and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 10. 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 11. 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 12. 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 13. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is

hereby 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 days after passage if the Mayor neither approves nor vetoes the same.