



## Legislation Text

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**File #: 2881-2015, Version: 1**

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**1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with Danbert, Inc. in the amount of \$2,231,834.90; to encumber funds with the Department of Public Service, Design and Construction Division for inspection, material testing, and related services in the amount of \$381,880.63; for the Fenway Road Area Water Line Improvements Project; Division of Water Contract Number 1184.

The purpose of this project is to construct necessary improvements to the water distribution system in the Fenway Road area. This project consists of installing approximately 3,600 linear feet of 6-inch water main and appurtenances and 5,800 linear feet of 8-inch water main and appurtenances, and other such work as may be necessary to complete the contract in accordance with the plans and specifications set forth in the Bid Submittal Documents.

The planning area for this project is "Clintonville" and encompasses portions of 6 streets including: Fenway Road, Broad Meadows Boulevard, Highfield Drive, Sunnyside Lane, Fenway Court, and Milton Avenue.

**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 6-inch and 8-inch 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) will be contacted and informed of this project during the design phase. Further community outreach may result through the Neighborhood Liaison Program.

**3.0 CONSTRUCTION CONTRACT AWARD:** The Director of Public Utilities publicly opened nine bids on November 4, 2015 from Danbert - \$2,231,834.90; Elite Excavating Co. of Ohio - \$2,292,920.60. Shelly & Sands - \$2,293,102.30; Conie Construction - \$2,467,168.52; Fields Excavating - \$2,726,325.70; Beheler Excavating - \$2,769,226.63; Underground Utilities - \$2,871,623.37; Darby Creek Excavating - \$2,981,492.67; and Savko & Sons - \$3,111,211.50.

Danbert's bid was deemed the lowest, best, most responsive and responsible bid in the amount of \$2,231,834.90. Their Contract Compliance Number is 31-1029004 (expires 6/24/16, Majority). Additional information regarding all bidders, description of work, contract time frame and detailed amounts can be found on the attached Information form.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Danbert, Inc.

**3.1 PRE-QUALIFICATION STATUS:** Danbert, Inc. and all proposed subcontractors have met code requirements with respect to pre-qualification, pursuant to relevant sections of Columbus City Code Chapter 329.

**4. FISCAL IMPACT:** This Ordinance authorizes the City Auditor to appropriate and transfer funds from the Water System Reserve Fund to the Water Supply Revolving Loan Account Fund in order to fund this proposed expenditure. This transaction is a temporary measure that is required until such time as the Division is able to execute a loan with the Water Supply Revolving Loan Account Fund and reimburse the Water System Reserve Fund. The loan is expected to be approved on January 28, 2016. A transfer of funds within the Water Works Enlargement Voted Bonds Fund and an amendment to the 2015 Capital Improvements Budget will also be necessary.

To authorize the Director of Public Utilities to execute a construction contract with Danbert, Inc. for the Fenway Road Area Water Line Improvements Project in the amount of \$2,231,834.90; to provide for payment of inspection, material testing and related services to the Department of Public Service, Design and Construction Division in the amount of \$381,880.63; to authorize the appropriation and transfer of \$2,231,834.90 from the Water System Reserve Fund to the Water Supply Revolving Loan Account Fund; to authorize an expenditure up to \$2,231,834.90 from the Water Supply Revolving Loan Account Fund; and to authorize a transfer and expenditure up to \$381,880.63 from the Water Works Enlargement Voted Bonds Fund; for the Division of Water. (\$2,613,715.53)

**WHEREAS**, nine bids for the Fenway Road Area Water Line Improvements Project were received and publicly opened in the offices of the Director of Public Utilities on November 4, 2015; and

**WHEREAS**, the lowest, best, most responsive and responsible bid was from Danbert, Inc. in the amount of \$2,231,834.90; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract and to encumber and expend funds to provide for payment of inspection and testing services costs associated with the Fenway Road Area Water Line Improvements Project; and

**WHEREAS**, it is necessary for this Council to authorize the City Auditor to transfer funds from the Water System Reserve Fund to the Water Supply Revolving Loan Account Fund; 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 for this Council to authorize a transfer and expenditure of funds within the Water Works Enlargement Voted Bonds Fund, for the Division of Water; and

**WHEREAS**, it is necessary to authorize an amendment to the 2015 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditures; and

**WHEREAS**, it has become necessary in the usual daily operation of the Division of Water, Department of Public Utilities, to authorize the Director to enter into a construction contract with Danbert, Inc. for the Fenway Road Area Water Line Improvements Project, to authorize the appropriation and transfer of funds from the Water System Reserve Fund to the Water Supply Revolving Loan Account Fund, for the 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 the Director of Public Utilities be and hereby is authorized to award and execute a construction contract for the Fenway Road Area Water Line Improvements Project with Danbert, Inc., 8077 Memorial Drive, Plain City, Ohio 43064; in an amount up to \$2,231,834.90; in accordance with the terms and conditions of the contract on file in the Office of the Division of Water; and to obtain the necessary inspection, testing and prevailing wage coordination services from the Design and Construction Division and to pay up to a maximum amount of \$381,880.63.

**SECTION 2.** That said construction company shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Water.

**SECTION 3.** That from the unappropriated monies in the Water System Reserve Fund, 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, 2015, the sum of \$2,231,834.90, is hereby appropriated to the Division of Water, Division 60-09, Object level One 10, Object level Three 5502, OCA 695056.

**SECTION 4.** That the City Auditor is hereby authorized and directed to transfer \$2,231,834.90, from the Water System Reserve Fund to the Water Supply Revolving Loan Account Fund, Fund No. 616, into the appropriate project account as specified within Section 7 herein, at such time as deemed necessary by him, and to expend said funds, or so much thereof as may be necessary.

**SECTION 5.** That the City Auditor is hereby authorized to transfer \$381,880.63 within the Department of Public Utilities, Division of Water, Dept/Div. No. 60-09, Water Works Enlargement Voted Bonds Fund, Fund No. 606, Object Level Three 6687, as follows:

**Fund No. | Project No. | Project Name | OCA Code | Change**

606 | 690236-100054 (carryover) | Ferris Rd. WL Imp's | 623654 | -\$381,880.63  
606 | 690236-100055 (carryover) | Fenway Rd. WL Imp's | 623655 | +\$381,880.63

**SECTION 6.** That the 2015 Capital Improvements Budget is hereby amended as follows:

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

606 | 690236-100054 (carryover) | Ferris Rd. WL Imp's | \$0 | \$399,326 | +\$399,326  
(establish authority to match cash + future amendment/rounding)  
606 | 690236-100054 (carryover) | Ferris Rd. WL Imp's | \$399,326 | \$17,445 | -\$381,881  
606 | 690236-100055 (carryover) | Fenway Rd. WL Imp's | \$0 | \$381,881 | +\$381,881

**SECTION 7.** That the appropriation and expenditure of \$2,613,715.53 is hereby authorized for the Fenway Road Area Water Line Improvements Project within the Division 60-09, Project No. 690236-100055 (New Funding), as follows:

**Fund No. | Fund Name | OCA | OL3 | Amount**

616 | New Funding | Water Supply Revolving Loan Account Fund | 616655 | 6629 - construction | \$2,231,834.90  
606 | Carryover | Water Works Enlargement Voted Bonds Fund | 623655 | 6687 - CA-CI | \$381,880.63

**SECTION 8.** That upon obtaining other funds for the purpose of funding water system capital improvement work, the City Auditor is hereby authorized to repay the Water System Reserve Fund the amount transferred under Section 4 above, and said funds are hereby deemed appropriated for such purpose.

**SECTION 9.** 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 \$2,231,834.90 (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 System Reserve Fund 603, which is the fund from which the advance for costs of the Project will be made.

**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 hereby authorized and directed 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 no longer required for said project; except that no transfer shall be made from a project account by monies from more than one source.

**SECTION 12.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 13.** 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 14.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.