File #: 0560-2020, **Version:** 1

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a construction contract with Kenmore Construction Co., Inc. for the Lockbourne Intermodal Subtrunk Air Quality Improvements Project, CIP#650491 -100005. This project will provide corrosion protection and air treatment for the recently completed Lockbourne Intermodal Subtrunk. It will allow the City to reduce corrosive gases in the sewer system that can cause premature failure and it will also create treated ventilation points along the sewer so that the odors are controlled.

Planning Area: 64 - Far South

This project has been approved for below market-rate loan financing through the Ohio Environmental Protection Agency's Water Pollution Control Loan Fund (WPCLF) which is administered by the Ohio Water Development Authority (OWDA). The loan award is expected in April 2020, an OWDA Loan Account number will be assigned. Federal Davis-Bacon Wage Rates and Requirements will apply.

Funds in the amount of $2,000.00 will also be encumbered for prevailing wage services to the Department of Public Service.

2. THE PROJECT TIMELINE: Contract work is required to be completed in a manner acceptable to the City within 360 days from the date that a Notice to Proceed (NTP) is given by the City.

3. PROCUREMENT: In accordance with the procedures set forth in the overall provisions of Columbus City Code, Section 329, Invitation for Bids were received February 5, 2020. Three (3) competitive bids were received. The following bidders submitted bids.

NAME	CC#/	Expiration DAX #	City/State	Status	
Kenmore Construction	34-0802152	8/6/2020	006456	Akron, OH	MAJ
The Righter Company	31-0889208	4/4/2020	004433	Columbus, OH	MAJ
George J. Igel and Co.	31-4214570	2/12/2021	006024	Columbus, OH	MAJ

The selection process used the Bid Tab and Quality Factor Form evaluation process and the project was awarded to the lowest responsive, responsible and best bidder, Kenmore Construction Co., Inc.

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

4. ECONOMIC/ENVIRONMENTAL IMPACT: This project will provide corrosion protection and air treatment for the recently completed Lockbourne Intermodal Subtrunk. It will allow the City to reduce corrosive gases in the sewer system that can cause premature failure and it will also create treated, ventilation points along the sewer so that the odors are controlled.

5. FISCAL IMPACT: This Ordinance authorizes the City Auditor to appropriate and transfer funds from the Sanitary Sewer Reserve Fund 6102 to the Ohio Water Development (OWDA) Loan Fund 6111 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 OWDA Loan Fund and reimburse the Sanitary Sewer Reserve Fund. The loan is expected to be approved in April 2020. Funding for Prevailing Wage Services ($2,000.00) to the Department of Public Service will come from the Sanitary G.O. Voted Bonds Fund 6109. An amendment to the 2019 Capital Improvement Budget is also needed in order to align authority with the expenditure.

To authorize the Director of Public Utilities to enter into a construction contract with Kenmore Construction Co., Inc. for the Lockbourne Intermodal Subtrunk Air Quality Improvements Project; to authorize the appropriation and transfer of $4,136,550.00 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the appropriation and expenditure of $4,136,550.00 from the Ohio Water Development (OWDA) Loan Fund; to authorize an expenditure up to $2,000.00 for prevailing wage services within the Sanitary General Obligations Voted Bonds Fund; and to amend the 2019 Capital Improvement Budget. ($4,138,550.00)

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract with Kenmore Construction Co., Inc. and to encumber and expend funds to provide for payment of prevailing wage services for the Division of Sewerage and Drainage's Lockbourne Intermodal Subtrunk Air Quality Improvements Project; and

WHEREAS, it is necessary to both appropriate funds from the Sewer System Reserve Fund 6102 and to authorize the transfer of said funds to the OWDA Loan Fund 6111 in order to temporarily fund this expenditure until such time as the City receives loan proceeds for the above stated purpose and reimburse the Sewer System Reserve 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 to authorize an expenditure of up to $2,000.00 within the Sanitary G.O. Voted Bonds Fund 6109 for Prevailing Wage Services; and

WHEREAS, it is necessary to amend the 2019 Capital Improvement Budget in order to provide sufficient authority for this expenditure; and

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Utilities to authorize the Director to enter into a construction contract with Kenmore Construction Co., Inc. for the Lockbourne Intermodal Subtrunk Air Quality Improvements, CIP# 650491-100005, 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 is hereby authorized to enter into a construction contract with Kenmore Construction Co., Inc. 700 Home Avenue, Akron, Ohio 44310 for the Lockbourne Intermodal Subtrunk Air Quality Improvements Project, CIP# 650491-100005; in accordance with the terms and conditions as shown in the agreement on file in the office of the Division of Sewerage and Drainage; and to obtain the necessary prevailing wage services from the Department of Public Services up to a maximum amount of $2,000.00.

SECTION 2. That from the unappropriated monies in the Sanitary Sewer Reserve Fund 6102 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, 2020, the sum of $4,136,550.00 is appropriated in Fund 6102, per the account codes in the funding attachment to this ordinance.

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SECTION 3. That the transfer of $4,136,550.00 or so much thereof as may be needed, is hereby authorized between the Sanitary Sewer Reserve Fund 6102 and OWDA Loan Fund 6111 per the accounting codes in the attachment to this ordinance.

SECTION 4. That the expenditure of $4,138,550.00, inclusive of $2,000.00 to the Department of Public Service for prevailing wage services, or so much thereof as may be needed, is hereby authorized per the accounting codes in the attachment to this ordinance.

SECTION 5. That the 2019 Capital Improvement Budget is hereby amended:

FUND	CIP#	PROJECT NAME	Current Authority	Revised Authority	Net Change
6111	P650725-100016	Alum Creek Tunnel	$1,720,882	$784,332	-$936,550
6111	P650491-100005	Lockbourne Intermodal Air Qual. Impvs.	$3,200,000	$4,136,550	+$936,550

SECTION 6. That the said company, Kenmore Construction Co., Inc., shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 7. That the City Auditor is hereby authorized 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 are no longer required for said project; except that no transfer shall be made from a project by monies from more than one source.

SECTION 8. 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 9. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

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 upon obtaining other funds for the purpose of funding sanitary sewer system capital improvement work, the City Auditor is hereby authorized to repay the Sanitary Sewer Reserve Fund the amount transferred above (Section 3), and said funds are hereby deemed appropriated for such purposes.

SECTION 11. 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 $4,136,550.00 (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 Sanitary/Sewer Reserve Fund 6102, which is the fund from which the advance for costs of the Project will be made.

SECTION 12. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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