



Legislation Text

File #: 1331-2009, Version: 1

1. **BACKGROUND:**

This legislation authorizes the Director of Public Utilities to execute a construction contract with the Complete General Construction Co., in the amount of \$1,611,440.00 for the construction of the 2009 General Construction Contract Project and for the Division of Sewerage and Drainage, provide funding for Department of Transportation for construction administration / inspection services and prevailing wages in the amount of \$242,716.00; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund, to authorize the total expenditure of \$1,854,156.00 from the Voted Sanitary Sewer Bond Fund, and to amend the 2009 Capital Improvement Budget.

The work to be completed by this contract consists of raising manhole frames or reconstructing manholes to grade, repair of State Route 315 storm inlets, and sewer point repairs and such other work as may be necessary to complete the contract in accordance with the plans and specifications. Work is to be completed within 365 calendar days after the effective date of the Notice to Proceed.

The Director of Public Utilities publicly opened five competitive bid proposals on September 2, 2009. Bids were submitted by Bale Contracting, Inc., Complete General Construction Co., Danbert Inc., George J. Igel & Co. Inc., and The Righter Co. Inc.. The bid order is listed as follows:

Complete General Construction. Co.	31-4366382 01/30/2010 \$1,611,440.00
George J. Igel & Co., Inc.	31-4214570 03/11/2011 \$1,695,575.00
Bale Contracting, Inc.	31-0996994 05/23/2010 \$1,743,406.00
Danbert Inc.	31-1029004 10/22/2010 \$1,746,055.54
The Righter Co., Inc.	31-0889208 04/07/2011 \$2,358,900.00

2. **FISCAL IMPACT:**

This ordinance authorizes the transfer and appropriate funds from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund; to authorize the expenditure of \$1,854,156.00. from the Voted Sanitary Sewer Bond Fund, to amend the 2009 Capital Improvement Budget to establish sufficient budget authority for this ordinance. Monies for this contract from the Sanitary Sewer Reserve Fund will be provided from an upcoming Bond Sale via the transfer detailed in this Ordinance.

3. **CONTRACT COMPLIANCE INFO:** Complete General Construction Co. | 31-4366382 | Exp. 01/30/2010 | Maj

4. **EMERGENCY DESIGNATION:**

The Department of Public Utilities is requesting that this ordinance be made an emergency measure in order to expedite the establishment of the contract services that are necessary to ensure that the Sanitary systems are being rehabilitated and/or replaced to ensure the continued operation of this vital infrastructure.

To authorize the Director of Public Utilities to enter into contract with Complete General Construction Co. and to provide funding for the Department of Transportation for construction administration / inspection services and prevailing wages for the 2009 General Construction Contract Project; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund, to the Voted Sanitary Sewer Bond Fund, to authorize the expenditure of \$1,854,156.00. from the Voted Sanitary Sewer Bond Fund, and to amend the 2009 Capital Improvement Budget; and to declare an emergency. (\$1,854,156.00.)

WHEREAS, five competitive bids for the construction of the 2009 General Construction Contract Project were received on September 2, 2009, whereupon it was determined that the Complete General Construction Co., Inc., submitted the lowest, best, responsive and responsible bid proposal; and

WHEREAS, funding is needed to pay Department of Transportation for prevailing wages and construction administration /

inspection services for the construction of the 2009 Annual Lining Contract Project; and

WHEREAS, the work consists of raising manhole frames or reconstructing manholes to grade, repair of State Route 315 storm inlets, and sewer point repairs; and

WHEREAS, it is necessary to authorize the transfer and appropriation of funds from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund for purposes of providing sufficient funding for the sanitary expenditure; and

WHEREAS, it is necessary for City Council to authorize the expenditure of funds from the Voted Sanitary Sewer Bond Fund; and

WHEREAS, it is necessary to authorize an amendment the 2009 Amend Capital Improvement Budget for purposes of creating and providing sufficient budget authority for the aforementioned expenditure; and

WHEREAS, the aggregate principal amount which the City will issue to finance this phase of the project is presently expected not to exceed \$1,854,156.00; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Sanitary Sewer Reserve Fund the amount transferred; 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 Department of Public Utilities, Division of Sewerage and Drainage, that the Department request that City Council authorize the Director of Public Utilities, Division of Sewerage and Drainage, to execute a contract with Complete General Construction Co., for the construction of the 2009 Annual Lining Contract Project, to ensure the continued operation of vital Sanitary infrastructure for the City; and for the preservation of the public health, peace, property, and safety at the earliest practical date; **Now, Therefore:**

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

Section 1. That this legislation and City Council authorizes the Director of Public Utilities to execute a construction contract with the Complete General Construction Co., 1221 E. 5th Ave., Columbus, Ohio 43219, for the 2009 General Construction Contract Project for the Division of Sewerage and Drainage for the work consists of raising manhole frames or reconstructing manholes to grade, repair of State Route 315 storm inlets, and sewer point repairs.

Section 2. That from the unappropriated monies in the Sanitary Sewer Reserve Fund No. 654, 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, 2009, the sum of \$1,854,156.00. is hereby appropriated to the Division of Sewerage and Drainage: Division 60-05| OCA Code 655225 | Object Level One 10 | Object Level Three 5502.

Section 3. That the City Auditor is hereby authorized to transfer a total \$1,854,156.00. from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund 664, into the 2009 Annual Lining Contract, Project 650745.100000, at such time as deemed necessary by the Auditor, and to expend said funds, or so much thereof as may be necessary.

Section 4. That the appropriation and expenditure of \$1,611,440.00 or as much thereof as may be needed, is hereby authorized from the Voted Sanitary Sewer Bond Fund | Fund 664| Division 60-05| Project 650745.100000 | OCA Code 664745 | Object Level Three 6630.

Section 5. That the 2009 Capital Improvements Budget, Ordinance No. 0806-2009, is hereby amended as follows, to provide sufficient budget authority for the execution of the contract stated herein:

Proj. No. | Project. Name | Current | Revised | (Change)

650350-100002 | SWWTP Corrosion Prevention & Protection | \$500,000| \$145,844 | (-\$354,156)

650745-100000 | 2009 General Construction Contract | \$1,500,000 | \$1,854,156 | (+\$354,156)

Section 6. That the appropriation and expenditure of \$242,716.00 or as much thereof as may be needed to pay the Department of

Transportation for prevailing wages, is hereby authorized from the Voted Sanitary Sewer Bond Fund | Fund 664| Division 60-05| Project 650745.100000| OCA Code 664745 | Object Level Three 6621.

Section 7. That the said firm shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

Section 8. 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, and said funds are hereby deemed appropriated for such purposes.

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 \$1,854,156.00. (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 654, which is the fund from which the advance for costs of the Project will be made.

Section 10. 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 11 That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

Section 12. 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 13. That for the reasons stated in the preamble hereto, 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 its passage if the Mayor neither approves nor vetoes the same.