



## Legislation Text

**File #:** 1154-2024, **Version:** 1

### 1. BACKGROUND

This ordinance authorizes the Director of Public Utilities to enter into a construction contract with Performance Pipelining, Inc., via the City's Invitation for Bid process for the Blueprint Clintonville 2 Old Beechwold Lateral Lining project, CIP #650872-139161, in an amount up to \$1,600,479.70; and to encumber funds with the Department of Public Service for prevailing wage services in an amount up to \$2,000.00, for a total expenditure of \$1,602,479.70.

This project involves the lining of sanitary laterals of 133 homes, approximately 5,800 linear feet, via "trenchless" methods using curing-in-place pipe (CIPP) technology, to prevent excess stormwater from entering the City's sanitary sewer system. Trenchless pipe lining uses existing pipes to guide new and improved pipes into the sewage system. Sewer lateral lining repair uses special sewage pipes that are flexible and able to fit inside existing pipes. Once the new pipes have been pulled through, they are inflated and effectively replace the old pipes.

No future phases are expected at this time. This project is a Consent Order project. A Consent order is a negotiated agreement entered as a court order that is enforceable by the court. In 2005, the City of Columbus entered its Wet Weather Management Plan to the Ohio EPA to bring the City in compliance with its consent orders regarding the City's sewer overflows. This project is an improvement identified in the Integrated Plan and the 2015 Wet Weather Management Plan Update Report. The project is needed to mitigate water in basement events and sanitary sewer overflows to the goal of a 10-year Level of Service (LOS).

The Community Area for this ordinance is 39, Clintonville.

**TIMELINE:** All contract work is required to be completed in a manner acceptable to the City within 300 days from the date that a Notice to Proceed (NTP) is given by the City. The Notice to Proceed is anticipated to be issued in June 2024.

**ESTIMATED COST OF PROJECT:** The bid amount and proposed award amount is \$1,600,479.70, including a 15% construction contingency amount that will be utilized to fund needed and approved changes in the work. No contract modifications are anticipated at this time; however, construction exigency might later compel modification of this contract, if unforeseen difficulties are encountered.

Cost summary:

Original Contract	\$1,600,479.70
Future Anticipated Needs	\$ 0.00
Prevailing Wage Services	\$ 2,000.00
<b>CONTRACT TOTAL</b>	<b>\$1,600,479.70</b>

### 2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT

This project is part of the 2015 Integrated Plan to address wet weather overflows from the sanitary sewer system. This project will complete 1 of the 4 pillars for the Old Beechwold neighborhood, located in Clintonville, by rehabilitating the existing sanitary sewer laterals to prevent infiltration and inflow into the sanitary system from storm water. There have been multiple public meetings with the neighborhood association over the past 2 years during the progress of the other work in the area.

### 3. CONSTRUCTION CONTRACT AWARD

An Invitation for Bids for the Public Sanitary Sewers for Blueprint Clintonville 2 Old Beechwold Lateral Lining project was advertised on the Vendor Services and Bid Express websites from 01/16/24 through 02/14/24. Two bids were received for the project and were opened on 02/14/24. The following companies submitted bids:

<u>Company</u>	<u>Bid Amount</u>	<u>Compliance Number</u>	<u>ODI Status</u>
1. Performance Pipelining, Inc.	\$1,600,479.70	CC045105	MAJ
2. BLD Services, LLC	\$1,895,653.10	CC019505	MAJ

The Performance Pipelining, Inc. bid was deemed the lowest, best, most responsive and responsible bid in the amount of \$1,600,479.70.

The certification of Performance Pipelining, Inc. and of the above companies was in good standing at the time the bid was awarded.

#### 4. CONTRACT COMPLIANCE INFORMATION

Performance Pipelining, Inc.'s contract compliance number is CC045105 and expires 4/14/25.

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

#### 5. MINORITY AND WOMAN OWNED BUSINESS ENTERPRISE & SMALL LOCAL BUSINESS ENTERPRISE PROGRAM

This contract was bid with an anticipated City of Columbus MBE/WBE Program goal of 15% as assigned by the City's Office of Diversity and Inclusion (ODI). After ODI's review of the Utilization Plan and other related information the contractor submitted with their bid response, ODI has approved an MBE/WBE Program goal of 0% for this contract.

Performance Pipelining, Inc. listed the following company as a subcontractor for this project:

<u>Company Name</u>	<u>City/State</u>	<u>ODI Certification Status</u>
Environmental Consultants of OH	Mechanicsburg, Ohio	EBE

The certification of Performance Pipelining, Inc., Inc. and the above company was in good standing at the time the bid was awarded.

#### 6. PRE-QUALIFICATION STATUS

Performance Pipelining, Inc. and all subcontractors have met code requirements with respect to pre-qualification, pursuant to relevant sections of Columbus City Code Chapter 329.

#### 7. FISCAL IMPACT

The construction portion of this project is anticipated to be financed with a loan from the Water Pollution Control Loan Fund (WPCLF), a program jointly administered by the Ohio EPA's Division of Environmental and Financial Assistance and the Ohio Water Development Authority (OWDA). City Council authorized this loan application and acceptance of funding via Ordinance 2767-2023, passed by Council on 10/30/23. The loan is expected to be approved in May, 2024.

Funds will need to be certified against the Sanitary Sewer Reserve Fund, Fund 6102, to proceed with this project until the loan has been approved. Funds will need to be appropriated within the Sanitary Sewer Reserve Fund, Fund 6102, transferred to the Sanitary Revolving Loan Fund, Fund 6111, and then appropriated in the Sanitary Revolving Loan Fund, Fund 6111, in order to fund this expenditure. This transaction is a temporary measure that is required until such time as the division is able to execute a loan with the WPCLF and reimburse the Sanitary Sewer Reserve Fund. An amendment to the 2023 Capital Improvement Budget is needed to reflect the loan funding for this project.

Funding in the amount of \$2,000.00 is appropriated and available within the Sanitary Bond Fund, Fund 6109, to pay the

Department of Public Service to provide prevailing wage services for this project. An amendment to the 2023 Capital Improvement Budget is necessary to align budget authority with the proper project.

To authorize the Director of Public Utilities to enter into a construction contract with Performance Pipelining, Inc., for the Blueprint Clintonville Old Beechwold Lateral Lining project; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund to the Sanitary Revolving Loan Fund; to authorize the appropriation of funds within the Sanitary Revolving Loan Fund; and to authorize the expenditure of up to \$1,602,479.70 from the Sanitary Revolving Loan Fund and the Sanitary Bond Fund to pay for the project. (\$1,602,479.70).

**WHEREAS**, the Department of Public Utilities is engaged in the Public Sanitary Sewers for Blueprint Clintonville 2 Old Beechwold Lateral Lining project; and

**WHEREAS**, two bids for the Blueprint Clintonville 2 Old Beechwold Lateral Lining project were received and opened on 02/14/24; and

**WHEREAS**, the lowest, best, most responsive and responsible bid was from Performance Pipelining, Inc.; and

**WHEREAS**, Ordinance 2767-2023 authorized this project to be funded by a loan to be obtained through the Water Pollution Control Loan Fund (WPCLF) Loan Account; and

**WHEREAS**, the 2023 Capital Improvement Budget must be modified to align budget authority with the proper project; and

**WHEREAS**, it is necessary to both appropriate funds from the Sanitary Sewer Reserve Fund and to authorize the transfer of said funds into the Sanitary Revolving Loan Fund in order to temporarily fund this expenditure until such time as the City is able to execute a loan for the above stated purpose and reimburse the Sanitary Sewer Reserve Fund; and

**WHEREAS**, the funds transferred into the Sanitary Revolving Loan Fund must be appropriated; 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 the Director of the Department of Public Utilities to enter into a construction contract with Performance Pipelining, Inc. for the Public Sanitary Sewers for Blueprint Clintonville 2 Old Beechwold Lateral Lining project; and

**WHEREAS**, it is necessary to authorize an expenditure of funds from the Sanitary Revolving Loan Fund to pay for the project; and

**WHEREAS**, it is necessary to expend funds from the Sanitary Bond Fund to provide for payment of prevailing wage services associated with said project; **now, therefore**

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

**SECTION 1.** That the 2023 Capital Improvement Budget authorized by Ordinance 1711-2023 be amended as follows to establish sufficient budget authority for this project:

**Fund / Project Number / Project Name (Funding Source) / Current Authority/ Revised Authority / Change**  
6111 / 650872-139161 / Blueprint Clintonville 2 Old Beechwold Lateral Lining (WPCLF/OWDA) / \$0.00 / \$1,600,480.00 / \$1,600,480.00 (To match the loan amount)

6109 / 650872-153001 / Blueprint Hilltop 1 Palmetto / Westgate Lateral Lining Project 1 (Voted Sanitary Carryover) / \$22,678.00 / \$20,678.00 / (\$2,000.00)

6109 / 650872-139161 / Blueprint Clintonville 2 Old Beechwold Lateral Lining (Voted Sanitary Carryover) / \$342,793.00 / \$344,793.00 / \$2,000.00

**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 ending December 31, 2024, the sum of \$1,600,479.70 is appropriated in the Sanitary Reserve Fund, Fund 6102, per the account codes in the attachment to this ordinance.

**SECTION 3.** That the transfer of \$1,600,479.70, or so much thereof as may be needed, is hereby authorized between the Sanitary Reserve Fund, Fund 6102, and the Sanitary Revolving Loan Fund, Fund 6111, per the account codes in the attachment to this ordinance.

**SECTION 4.** 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 ending December 31, 2024, the sum of \$1,600,479.70 is appropriated in the Sanitary Revolving Loan Fund, Fund 6111, per the account codes in the attachment to this ordinance.

**SECTION 5.** That the Director of Public Utilities is hereby authorized to enter into a construction contract for the Public Sanitary Sewers for Blueprint Clintonville 2 Old Beechwold Lateral Lining project with Performance Pipelining, Inc., 1551 W. Norris Drive, Ottawa, IL 61350, in an amount up to \$1,600,479.70; in accordance with the terms and conditions of the contract on file in the Department of Public Utilities; and to obtain the necessary prevailing wage services for this project from the Department of Public Services in an amount up to \$2,000.00.

**SECTION 6.** That the expenditure of \$1,602,479.70, or so much thereof as may be needed, is hereby authorized to pay for this contract per the accounting codes in the attachment to this ordinance.

**SECTION 7.** That upon obtaining other funds for the purpose of funding sewer system capital improvement work, the City Auditor is hereby authorized to repay the Sanitary System Reserve Fund, Fund 6102, the amount transferred above (Section 3), and said funds are hereby deemed appropriated for such purposes.

**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 \$1,600,479.70 (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 Sanitary Reserve Fund, Fund 6102, which is the fund from which the advance for costs of the Project will be made.

**SECTION 9.** Funds are hereby deemed appropriated and expenditures and transfers authorized to carry out the purposes of this ordinance and the City Auditor shall establish such accounting codes as necessary.

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