



## Legislation Text

**File #:** 1318-2009, **Version:** 1

**1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with Decker Construction Company, in the amount of \$739,539.10; to encumber funds with the Transportation Division for inspection, testing, and prevailing wage coordination services in the amount of \$116,000.00; to authorize the City Auditor to transfer a total of \$435,653.42 within the Storm Sewer Bond Fund; to transfer \$419,885.68 from the Storm Sewer Reserve Fund to the Storm Sewer Bonds Fund; and to amend the 2009 Capital Improvements Budget; all in connection with the Shattuck Avenue/Clearview Avenue Stormwater System Improvements Project.

**2. CONSTRUCTION CONTRACT AWARD:** The Director of Public Utilities publicly opened nine (9) bids on September 30, 2009. These bids were received from: Decker Construction Company - \$739,539.10; Nickolas Savko & Sons - \$741,748.68; John Eramo - \$788,982.73; Tata Excavating - \$801,862.20; Conie Construction - \$803,431.80; Seals Construction - \$817,843.20; Bale Contracting - \$1,067,073.60; Columbus Asphalt Paving - \$1,080,112.20; and Complete General Construction Co. - \$1,091,048.40.

The lowest and best bid was from Decker Construction Company for \$739,539.10. Additional information regarding each bidder, description of work, contract timeframe, detailed amounts and sub-contractors can be found on the attached Legislation Information Form.

**Contract Compliance Information:** 31-0983557, expires 11/26/09, Majority

**3. FISCAL IMPACT:** This legislation includes a transfer of funds within the Storm Sewer Bonds Fund, a transfer from the Storm Sewer Reserve Fund to the Storm Sewer Bonds Fund; and an amendment to the 2009 Capital Improvements budget to allow sufficient cash and authority in the proper account for this project.

The transfer of funds from the Storm Sewer Reserve Fund to the Storm Sewer Bonds Fund is a temporary measure until such time as the proceeds from a bond sale can be made available. Monies for this contract from the Storm Sewer Reserve Fund will be provided from an upcoming Bond Sale via the transfer detailed in this Ordinance.

The authority for this project will be increased by \$435,653.42 based on cancellation cash transferred within the Storm Sewer Bonds Fund.

**4. EMERGENCY DESIGNATION:** The Department of Public Utilities is requesting City Council to consider this legislation an emergency measure, in order to execute a contract for this project no later than January 1, 2010 and to provide work for available Construction Administration/Inspection personnel in the Transportation Division.

To authorize the Director of Public Utilities to execute a construction contract with Decker Construction Company; to provide for payment of inspection, material testing and related services to the Transportation Division for the Shattuck Avenue/Clearview Avenue Stormwater System Improvements Project, for the Division of Sewerage and Drainage; to authorize the transfer of \$435,653.42 within the Storm Sewer Bond Fund; to authorize the transfer of \$419,885.68 from the Storm Sewer Reserve Fund to the Storm Sewer Bonds Fund; to authorize the expenditure of \$855,539.10 from the Storm Sewer Bond Fund; to authorize an amendment to the 2009 Capital Improvements Budget; and to declare an emergency. (\$855,539.10)

**WHEREAS,** nine (9) bid proposals were received and publicly opened in the offices of the Director of Public Utilities on September 30, 2009 for the construction of the Shattuck Avenue/Clearview Avenue Stormwater System Improvements Project; 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, testing and prevailing wage coordination services costs associated with the Shattuck Avenue/Clearview Avenue Stormwater System Improvements Project; and

**WHEREAS**, it is necessary for this Council to authorize the City Auditor to transfer funds within the Storm Sewer Bond Fund; and

**WHEREAS**, it is necessary to authorize the transfer and appropriation of funds from the Storm Sewer Reserve Fund to the Storm Sewer Bonds Fund for purposes of providing sufficient funding for this project expenditure; and

**WHEREAS**, it is necessary to authorize an amendment to the 2009 Capital Improvements Budget for purposes of providing sufficient funding and spending authority for the aforementioned project expenditure; 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").

**WHEREAS**, the City will sell notes or bonds to fund this project and will reimburse the Storm Sewer Reserve Fund the amount transferred; and

**WHEREAS**, the aggregate principal amount which the City will issue to finance this phase of the project is presently expected not to exceed \$419,885.68; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Sewerage and Drainage in that it is immediately necessary to enter into a construction contract with Decker Construction Company for the Shattuck Avenue/Clearview Avenue Stormwater System Improvements Project in order to execute a contract for this project no later than January 1, 2010 and to provide work for available Construction Administration/Inspection personnel in the Transportation Division; 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 contract for construction of the Shattuck Avenue/Clearview Avenue Stormwater System Improvements Project with the lowest and best bidder, Decker Construction Company, 3040 McKinley Avenue.; Columbus, Ohio 43204; in the amount of \$739,539.10 in accordance with the terms and conditions of the contract on file in the Office of the Division of Sewerage and Drainage; and to obtain the necessary inspection, testing and prevailing wage coordination services from the Transportation Division; and to pay up to a maximum amount of \$116,000.00.

**SECTION 2.** That the City Auditor is hereby authorized to transfer \$435,653.42 within the Storm Sewer Bonds Fund, Fund 685, Division of Sewerage and Drainage, Division 60-15, Object. Level 3 - 6621 as follows:

**Proj. No. | Proj. Name | OCA | Change**

610722-100000 | Iuka Ravine Park SSI | 685722 | -\$435,653.42

610768-100000 | Shattuck/Clearview Area SSI | 685768 | +\$435,653.42

**SECTION 3.** That from the unappropriated monies in the Storm Sewer Reserve Fund, Fund No. 690 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 \$419,885.68, is hereby appropriated to the Division of Sewerage and Drainage, Division 60-15, Object level One 10, Object level Three 5502, OCA 690001.

**SECTION 4.** That the City Auditor is hereby authorized and directed to transfer \$419,885.68 from the Storm Sewer Reserve Fund to the Storm Sewer Bonds Fund, Fund No. 685, into the appropriate project account as specified within Section 5 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 appropriation and expenditure of \$419,885.68 is hereby authorized for the Shattuck Avenue/Clearview Avenue Stormwater System Improvements Project within the Storm Sewer Bonds Fund, Fund No. 685, Division 60-15, Project No. 610768-100000, Object Level Three 6621, OCA Code 685768.

**SECTION 6.** That for the purpose of paying the cost of the construction contract, the cost of inspection, testing and prevailing wage

coordination services, the following expenditure, or as much thereof as may be needed is hereby authorized as follows: Division 60-15, Storm Sewer Bond Fund No. 685, Project 610768-100000, Object Level Three 6621, OCA Code 685768, Amount \$855,539.10.

**SECTION 7.** That upon obtaining other funds for the purpose of funding water system capital improvement work, the City Auditor is hereby authorized to repay the Storm Sewer Reserve Fund the amount transferred under Section 4 above, and said funds are hereby deemed appropriated for such purpose.

**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 \$419,885.68 (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 Storm Sewer Reserve Fund 690, which is the fund from which the advance for costs of the Project will be made.

**SECTION 9.** That the said construction company shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage.

**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 the 2009 Capital Improvements Budget is hereby amended as follows, to provide sufficient budget authority for the execution of the construction contract stated in Section 1 herein.

<u>Proj. No.</u>	<u>Proj. Name</u>	<u>Current Authority</u>	<u>Revised Authority</u>	<u>Change</u>
610768-100000	Shattuck/Clearview Area SSI (carryover)	\$0	\$435,654	+\$435,654

**SECTION 14.** 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.