



## Legislation Text

File #: 1710-2015, Version: 1

**BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with the Righter Company, Inc. for the Upper Scioto West Air Quality Improvements Project for the Division of Sewerage and Drainage. This project is being completed largely in part due to community input and the number of odor complaints in the area, which has risen dramatically over the last few years. By rebuilding the existing biofilters and constructing the necessary changes to address their deficiencies, the City will be improving the environment of the neighborhoods in and around the biofilters while fostering a better working relationship with the surrounding community. This project will construct replacement media filters for the existing Air Quality Control Facilities on the Upper Scioto West Interceptor Sewer located at shafts 2 and 11. The new facilities will be more compartmentalized enabling DOSD to maintain both air quality control facilities more efficiently and effectively.

**PROJECT TIMELINE:** Contract work is required to be completed in a manner acceptable to the City within 365 days from the date that a Notice To Proceed (NTP) is given by the City.

**PROCUREMENT INFORMATION:** The Department of Public Utilities advertised for competitive bids for the Upper Scioto West Air Quality Improvements project in the City Bulletin in accordance with the overall provisions of Section 329 of Columbus City Codes. On May 27, 2015, two (2) firms submitted detailed proposals for this project to the Director of Public Utilities. The following companies submitted bids:

<u>Name</u>	<u>C.C. No./Exp. Date</u>	<u>City/State</u>	<u>Status</u>
The Righter Company	31-0889208 11/13/16	Columbus, OH	MAJ
George J. Igel Company	31-4214570 02/03/17	Columbus, OH	MAJ

The bids were evaluated using the bid tab and quality factor forms and it was determined that the Righter Company was the lowest responsive, responsible, and best bid.

This company is not debarred according to the Federal Excluded Parties Listing or the State Auditor's Findings for Recovery Database.

**Contract Compliance No.:** 31-0889208 | MAJ | Exp. 11/13/16

**Emergency Designation:** Emergency designation **is not** requested.

**ECONOMIC IMPACT:** This project is being completed largely in part due to community input and the number of odor complaints in the area, which has risen dramatically over the last few years. By rebuilding the existing biofilters and constructing the necessary changes to address their deficiencies, the City will be improving the environment of the neighborhoods in and around the biofilters while fostering a better working relationship with the surrounding community.

**FISCAL IMPACT:** This ordinance authorizes the transfer and appropriation of funds from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation (G.O.) Bond Fund, Fund 664; to authorize the expenditure of \$2,361,600.00 from the G.O. Bond Fund, Fund 664 and to amend the 2015 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 a future Bond Sale via the transfer detailed in this ordinance.

To authorize the Director of Public Utilities to enter into a construction contract with the Righter Company, Inc. for the Upper Scioto West Air Quality Improvements Project; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation (G.O.) Bond Fund; to authorize the expenditure of \$2,361,600.00 from the Sanitary Sewer General Obligation (G.O.) Bond Fund; and to amend the 2015 Capital Improvements Budget. (\$2,361,600.00)

**WHEREAS**, the Department of Public Utilities advertised for competitive bids for the Upper Scioto West Air Quality Improvements Project on the City's Vendor Services website and in the City Bulletin in accordance with the overall provisions of Chapter 329 of the Columbus City Code; and

**WHEREAS**, it is necessary to complete this project because of community input and the number of odor complaints in the area; and

**WHEREAS**, it is necessary to construct replacement media filters for the existing Air Quality Control Facilities on the Upper Scioto West Interceptor Sewer located at shafts 2 and 11; and

**WHEREAS**, it is necessary to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund to the Sanitary Sewer General Obligation (G.O.) Bond Fund; and

**WHEREAS**, it is necessary for City Council to authorize the expenditure of funds from the Sanitary Sewer System GO Bond Fund, Fund 664; and

**WHEREAS**, it is necessary to amend the 2015 Capital Improvements Budget for purposes of creating and providing sufficient budget authority for the aforementioned expenditures; and

**WHEREAS**, it is necessary to transfer funds from the Sanitary Sewer Reserve Fund in the amount 397,747.35 for this project; and

**WHEREAS**, this transfer should be considered as a temporary funding method; and

**WHEREAS**, the City will sell notes or bonds to fund this project and will reimburse the Sanitary 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 project described in this ordinance (the "Project"); and

**WHEREAS**, this legislation authorizes the Director of Public Utilities to enter into a construction contract with the Righter Company, Inc. for the Upper Scioto West Air Quality Improvements Project, at the earliest practicable date; **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 enter into a construction contract with the Righter Company, Inc., 2424 Harrison Rd., Columbus, Ohio 43204 for the Upper Scioto West Air Quality Improvements Project, in accordance with the terms and conditions as shown in the agreement on file in the office of the Division of Sewerage and Drainage.

**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, 2015, the sum of \$2,361,600.00 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 and appropriate a total \$2,361,600.00 from the Sanitary Sewer Reserve Fund to the Sanitary Sewer Bond Fund, Fund 664, into the Upper Scioto West Air Quality Improvements Project, 650495-100001, at such time as deemed necessary by the Auditor, or so much thereof as may be necessary in the following manner: Division 60-05 | OCA Code 664495 | Object Level 06 | Object Level Three 6630

**SECTION 4.** That the 2015 Capital Improvements Budget is hereby amended as follows:

**Project No. | Project Name | Current Authority | Revised Authority | (Change)**

650725-100011 | Blacklick Creek Main Trunk | \$2,400,000 | \$38,400 | (-\$2,361,600)

Move Authority to Match Cash

650495-100001 | Upper Scioto West Air Quality Improvements | \$0 | \$2,361,600 | (+\$2,361,600)

**SECTION 5.** That the Director of Public Utilities be and hereby is authorized to expend up to \$2,361,600.00 for the Jackson Pike Wastewater Treatment Plant Corrosion Prevention and Protective Coating Systems Project in the following manner for the Div. 60-05 | Obj. Lvl 3 6630:

650495-100001 | Upper Scioto West Air Quality Improvements | 664495 | \$2,361,600.00

**SECTION 6.** That the said firm The Righter Company, 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 City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 9.** 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 10.** 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 \$2,361,600.00 (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 12.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.