



Legislation Text

File #: 1542-2017, **Version:** 1

- 1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with Proshot Concrete, Inc. for the Alum Creek Main Trunk (N) & Alum Creek Subtrunk (ACS) Sanitary Sewer Rehabilitation Project, CIP 650725-100002. The work for this project consists of cement lining and internal spot repairs of reinforced concrete pipe and other such work as may be necessary to complete the contract, in accordance with the drawings, technical specifications, and City of Columbus Construction and Material Specifications as set forth in this Invitation For Bid (IFB).

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). Ordinance 2241- 2015, passed October 19, 2015, authorizes the Director of Public Utilities to enter into a WPCLF Loan for the project. The project's assigned WPCLF Number is CS390274-0248. The loan award is expected on June 29, 2017, an OWDA Loan number will be assigned. For this reason Federal Davis-Bacon Wage Rates and Requirements will apply.

2. PROCUREMENT:

- 3. PROJECT TIMELINE:** Contract work is required to be completed in a manner acceptable to the City within 540 days from the date that a Notice To Proceed (NTP) is given by the City.

- 4. EMERGENCY DESIGNATION:** An emergency designation **is not requested** at this time.

- 5. CONTRACT COMPLIANCE No:** 20-5269497 | MAJ | Exp. 02/13/2019 | Vendor # 001421

- 6. ENVIRONMENTAL IMPACT:** NA

- 7. FISCAL IMPACT:** This ordinance authorizes the appropriation and transfer of \$4,477,185.90 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund, Fund 6111; and to authorize the expenditure of up to \$4,477,185.90 from the said fund. 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 Proshot Concrete, Inc. for the Alum Creek Main Trunk (N) & Alum Creek Subtrunk (ACS) Sanitary Sewer Rehabilitation Project; to authorize the appropriation and transfer of \$4,477,185.90 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; and to authorize the expenditure of \$4,477,185.90 from the Ohio Water Development (OWDA) Loan Fund. (\$4,477,185.90).

WHEREAS, the Department of Public Utilities is under a mandate from Ohio EPA to eliminate sanitary sewer overflows and basement back-ups; and

WHEREAS, Alum Creek Main Trunk (N) & Alum Creek Subtrunk (ACS) Sanitary Sewer Rehabilitation Project, CIP 650725-100002, is designed to reduce residential backups in the impacted area; and

WHEREAS, the Department of Public Utilities advertised for bids pursuant to the requirements of city code chapter 329 and it was determined that Proshot Concrete, Inc. best met the needs of the Department of Public Utilities for the work; and

WHEREAS, the work consists of cement lining and internal spot repairs of reinforced concrete pipe and other such work as may be necessary to complete the contract; and

WHEREAS, it is necessary to appropriate funds from the Sanitary Reserve Fund and to authorize the transfer of said funds into the Ohio Water Development (OWDA) 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 Reserve Fund.; and

WHEREAS, to authorize an expenditure of \$4,477,185.90 from the Ohio Water Development (OWDA) Loan Fund, Fund 6111; and

WHEREAS, the aggregate principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$4,477,185.90; 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, it has become necessary in the usual daily operation of the Department of Public Utilities, Division of Sewerage and Drainage, to authorize the Director to enter into a contract with the Proshot Concrete, Inc. for the Alum Creek Main Trunk (N) & Alum Creek Subtrunk (ACS) Sanitary Sewer Rehabilitation Project to be implemented at the earliest practical date; **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 contract with the Proshot Concrete, Inc. 4158 Musgrove Drive, Florence, Alabama 35630 for the Alum Creek Main Trunk (N) & Alum Creek Subtrunk (ACS) Sanitary Sewer Rehabilitation 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. 6102, Sub-fund 610201, 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, 2017, the sum of \$4,477,185.90 is hereby appropriated to the Division of Sewerage and Drainage.

SECTION 3. That the City Auditor is hereby authorized to transfer and appropriate a total \$4,477,185.90 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund, Fund 6111, for the Alum Creek Main Trunk (N) & Alum Creek Subtrunk (ACS) Sanitary Sewer Rehabilitation Project, P650725-100002, at such time as deemed necessary by the Auditor, or so much thereof as may be necessary per the account codes in the attachment to this ordinance.

SECTION 4. That the Director of Public Utilities be and hereby is authorized to expend up to \$4,477,185.90 from the Ohio Water Development (OWDA) Loan Fund, Fund 6111 | Div. 60-05 | per the account codes in the attachment to this ordinance.

SECTION 5: That the said company, Proshot Concrete, 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 6. 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 7. That 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 8. 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 9. 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 10. 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 \$4,477,185.90 (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 11. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.