



Legislation Text

File #: 1435-2009, Version: 1

1. BACKGROUND: The American Recovery and Reinvestment Act of 2009 (ARRA), also known as the federal stimulus bill, was signed into law on February 17, 2009. The Ohio Water Pollution Control Loan Fund (WPCLF) has been designated to deliver the stimulus funds for water pollution control projects. The Department was awarded \$4,500,000 in ARRA funding in the form of a principal-forgiveness loan.

This legislation authorizes the Director of Public Utilities to execute a construction contract with George J. Igel & Co. Inc., for the Reservoir Pollution Reduction Project, in the amount of \$4,558,275.40. It also authorizes the appropriation, transfer, and expenditure of \$4,500,000.00 from the Water System Reserve Fund to the Water Pollution Control Loan Fund.

The project consists of various improvements at several sites around the Griggs, Hoover and O'Shaughnessy Reservoirs to provide water quality enhancement of stormwater before discharging directly into the raw drinking water supply reservoirs.

The site at O'Shaughnessy Reservoir is located in Glick Park at the dam. Improvements to this site include an improved entrance and parking, bio-retention, demonstrations of pervious concrete and permeable pavers, associated educational signage, an overlook deck, fencing, park sign, lighting, picnic tables, and other associated items.

Ten sites are located along Griggs Reservoir. Improvements at these sites include pervious concrete and permeable paver parking lots, parking lot removal and reconfiguration, bio-retention, bio-swales, level spreaders, vegetated buffers, diversion structures, rain barrels, and other associated items.

Fourteen sites are located around Hoover Reservoir. Improvements at these sites include pervious concrete and permeable paver parking lots, parking lot removal and reconfiguration, bio-retention, bio-swales, infiltration trenches, vegetated buffers, shoreline stabilization structures and boat ramps, rain barrels, and other associated items.

All work will be in accordance with the plans (CC-15608) and specifications, including erosion and sediment control, maintenance of traffic, and other items as necessary to complete the contract.

2. CONSTRUCTION CONTRACT AWARD: The Director of Public Utilities publicly opened three bids on October 7, 2009. Bids were received from: George J. Igel & Co., Inc. - \$6,487,021.20; Righter Co. - \$7,399,150.38; and Complete General Construction Co. - \$8,458,493.62.

Since the Division was only going to receive \$4,500,000.00 in ARRA funding for this project, provisions for various deductions were included to be taken against the base bid amount. Once the provisions were accounted for, George J. Igel & Co., Inc. was still the lowest bidder, in a revised bid amount of \$4,558,275.40. Their Contract Compliance Number is 31-4214570 (expires 3/11/11, Majority). Additional information regarding each bidder, description of work, contract time frame and detailed amounts can be found on the attached Legislation Information Form.

3. EMERGENCY DESIGNATION: It is requested that this Ordinance be handled in an emergency manner in order to adhere to the Ohio EPA's schedule. If we do not maintain compliance with their schedule, our project may be bypassed and we could lose ARRA funding.

4. FISCAL IMPACT: This Ordinance authorizes the City Auditor to appropriate and transfer funds from the Water System Reserve Fund to the Water Pollution Control Loan Fund (WPCLF) in order to fund this proposed expenditure. This transaction is a temporary measure that is required until such time as the Division is able to execute a WPCLF loan with the Ohio Water Development Authority and reimburse the Water System Reserve Fund. Loan application number CS392684-02 is scheduled to be approved in November 2009. This legislation also includes a transfer of funds within the Water Works Enlargement Voted Bonds Fund and an amendment to the 2009 Capital Improvements Budget.

To authorize the Director of Public Utilities to execute a construction contract with George J. Igel & Co. Inc., for the Reservoir Pollution Reduction Project; to authorize the appropriation, transfer, and expenditure of \$4,500,000 from the Water System Reserve Fund to the Water Pollution Control Loan Fund (WPCLF); to authorize the transfer and expenditure of \$58,275.40 within the Water Works Enlargement Voted Bonds Fund; to authorize an amendment to the 2009 Capital Improvements Budget; and to declare an emergency. (\$4,558,275.40)

WHEREAS, three bids for the Reservoir Pollution Reduction Project were received and publicly opened in the offices of the Director of Public Utilities on October 7, 2009; and

WHEREAS, the Division applied deductions against the base bid due to limited funding for the project; and

WHEREAS, once provisions were accounted for, the lowest and best bid was from George J. Igel & Co. in the amount of \$4,558,275.40; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract for the Reservoir Pollution Reduction Project; and

WHEREAS, it is immediately necessary to both appropriate funds from the Water System Reserve Fund and to authorize the transfer of said funds into the Water Pollution Control Loan Fund (WPCLF), in order to temporarily fund this expenditure, until such time as the City is able to execute a WPCLF loan with the Ohio Water Development Authority, for the Reservoir Pollution Reduction Project, and to reimburse the Water System 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 construction of the Project described in this Ordinance (collectively, the "Project"); and

WHEREAS, it is necessary for this Council to authorize the City Auditor to transfer \$58,275.40 within the Water Works Enlargement Voted Bonds Fund; and

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

WHEREAS, an emergency exists in the usual daily operation of the Division of Sewerage and Drainage, Department of Public Utilities, in that it is immediately necessary to authorize the Director of Public Utilities to execute a construction contract with George J. Igel & Co. Inc. in connection with the Reservoir Pollution Reduction Project, to authorize the appropriation, transfer, and expenditure of funds from the Water System Reserve Fund to the Water Pollution Control Loan Fund (WPCLF), in an emergency manner in order to adhere to the Ohio EPA's schedule, for the immediate preservation of the public health, peace, property, and safety; 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 construction contract for the Reservoir Pollution Reduction Project with the lowest and best bidder, George J. Igel & Co. Inc., 2040 Alum Creek Dr., Columbus, Ohio 43207; in the amount of \$4,558,275.40; in accordance with the terms and conditions of the contract on file in the Office of the Division of Sewerage and Drainage.

SECTION 2. That from the unappropriated monies in the Water System Reserve Fund 603, 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 \$4,500,000.00 is hereby appropriated to the Division of Power and Water, Division 60-09, Object level One 10, Object level Three 5502, OCA 695056.

SECTION 3. That the City Auditor is hereby authorized to transfer \$4,500,000.00 to the Water Pollution Control Loan Fund (WPCLF), Fund No. 616, into the appropriate project accounts 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 4. That the City Auditor is hereby authorized to transfer \$58,275.40 within the Division of Power and Water, Dept/Div. No. 60-09, Water Works Enlargement Voted Bonds Fund, Fund No. 606, Object Level One 06, Object Level Three 6621, as follows:

Project No. | Project Name | OCA Code | change

690443-100000 (carryover) | HCWP Basin Imp's | 606443 | -\$53,135.42
690474-100000 (carryover) | Morse Rd. 36" W.M. | 606474 | -\$5,139.98
690506-100000 (carryover) | Watershed Impervious Surface | 606506 | +\$58,275.40

SECTION 5. That for the purpose of paying the cost of the Water Pollution Control Loan Fund (WPCLF) Eligible Items within the aforementioned contract, the following appropriation and expenditure, or as much thereof as may be needed is hereby authorized as follows: Fund No. 616, Dept/Div. No. 60-09, Project: 690506-100000 (new funding), OCA Code 616523, Object Level One 06, Object Level Three 6621, Amount \$4,500,000.00.

SECTION 6. That for the purpose of paying the cost of the Water Works Enlargement Voted Bonds Fund Eligible Items within the aforementioned contract, the following expenditure, or as much thereof as may be needed is hereby authorized as follows: Fund No. 606, Dept/Div. No. 60-09, Project: 690506-100000 (carryover), OCA Code 606506, Object Level One 06, Object Level Three 6621, Amount \$58,275.40.

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 Water System Reserve Fund the amount transferred under Section 3 above, and said funds are hereby deemed appropriated for such purpose.

SECTION 8. That upon final approval by the Ohio Environmental Protection Agency, \$4,500,000.00 from the American Recovery and Reinvestment Act of 2009 (ARRA) will be utilized to reduce the principal amount of the WPCLF loan.

SECTION 9. That the 2009 Capital Improvements Budget is hereby amended as follows:

Fund No. | Project No. | Project Name | Current Authority | Revised Authority | change

606 | 690443-100000 (carryover) | HCWP Basin Imp's | \$53,136 | \$0 | -\$53,136
606 | 690474-100000 (carryover) | Morse Rd. 36" W.M. | \$0 | \$448,295 | +\$448,295 (give authority to cancellation balance)
606 | 690474-100000 (carryover) | Morse Rd. 36" W.M. | \$448,295 | \$443,155 | -\$5,140
606 | 690506-100000 (carryover) | Watershed Impervious Surface | \$0 | \$58,276 | +\$58,276
616 | 690506-100000 (new funding) | Watershed Impervious Surface | \$686,642 | \$4,500,000 | +\$3,813,358

SECTION 10. That said construction company shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Power and Water.

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 \$4,500,000.00 (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 the Water System Reserve Fund 603, which is the fund from which the advance for costs of the Project will be made.

SECTION 12. 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 13. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 14. 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 15. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is 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.