



## Legislation Details (With Text)

**File #:** 2511-2016      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 9/28/2016      **In control:** Public Utilities Committee

**On agenda:** 12/12/2016      **Final action:** 12/15/2016

**Title:** To authorize the Director of Public Utilities to enter into a construction contract with the Peterson Construction Co., Inc. for the Combined Sewer Overflow Reduction Improvements at the Wastewater Treatment Facilities System project; to authorize the appropriation and transfer of \$1,842,000.00 from the Sanitary Sewer Reserve Fund to the Ohio Water Development Loan Fund; and to authorize the expenditure of up to \$1,842,000.00 from said loan fund for the Division of Sewerage and Drainage. (\$1,842,000.00).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 2511-2016 Bid Tab CSO Reduction Rebid 101916, 2. Ord 2511-2016 SWIF CSO Reduction Improvements Rebid, 3. Ord 2511-2016 Director's Legislation Information Sheet (9-8-14), 4. Ord 2511-2016 DAX Financial String

Date	Ver.	Action By	Action	Result
12/15/2016	1	CITY CLERK	Attest	
12/14/2016	1	MAYOR	Signed	
12/12/2016	1	COUNCIL PRESIDENT	Signed	
12/12/2016	1	Columbus City Council	Approved	Pass
12/5/2016	1	Columbus City Council	Read for the First Time	

**1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with Peterson Construction Co., for the Combined Sewer Overflow (CSO) Reduction Improvements Project at the Wastewater Treatment Facilities System (WWTFs), CIP 650347-100001, Contract S-85. 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 2516-2013, passed December 2, 2013, authorizes the Director of Public Utilities to enter into a WPCLF Loan for the project. The project's assigned WPCLF Loan Number is CS390274-0161. Upon the loan award which is expected on December 8, 2016, an OWDA Loan Account number will be assigned.

The goal of this project is to restore the function of the regulator gates in the Alum Creek Storm Tank to be able to regulate combined sewer overflow from the tank. The results of this project will reduce CSOs to Alum Creek. The work consists of rehabilitation of the Alum Creek Storm Standby Tank Control House, including the installation of a new electrical room, masonry rehabilitation, roof replacement, new doors, new roof hatch, demolition of 2 sluice gates, installation of 1 new sluice gate, modification to existing storm overflow conduit outlet for installation of a new flap gate, addition of level sensors, modifications to ventilation system, access manhole, and an ad sidewalk.

**2. PROJECT TIMELINE:** the work is to be completed within 300 calendar days after the effective date of the Notice to Proceed.

3. **PROCUREMENT INFORMATION:** The Division advertised for competitive bids for the subject services on the City's Vendor Services website and in the City Bulletin in accordance with the overall provisions of Section 329 of the Columbus City Code. The Division of Sewerage and Drainage received three (3) bids on October 19, 2016 from the following companies:

<u>Name</u>	<u>Vendor #</u>	<u>CCCN</u>	<u>Exp. Date</u>	<u>Type</u>	<u>City/State</u>
Peterson Construction Co.	018675	34-1342365	08/05/2018	MAJ	Wapakoneta, OH
Kenmore Construction	006456	34-0802152	08/14/2018	MAJ	Akron, OH
The Righter Company	004433	31-0889208	02/18/2018	MAJ	Columbus, OH

The bid was reviewed using the Bid Tab and QFF evaluation process. It was determined that Peterson Construction Co., met the criteria for the project requirements and was the lowest responsive, responsible, and best bid. The Engineer's Estimate was \$1,536,000.00.

4. **EMERGENCY DESIGNATION:** An emergency designation is not requested at this time
5. **CONTRACT COMPLIANCE NO:** 34-1342365 | MAJ | 08/05/2018 | Vendor # 018675
6. **ECONOMIC IMPACT:** This project will restore the function of the regulator gates in the Alum Creek Storm Tank to be able to regulate combined sewer overflow from the tank. The results of this project will reduce CSOs to Alum Creek. No community outreach or environmental factors are considered for this project.
7. **FISCAL IMPACT:** This legislation authorizes the appropriation and transfer of \$1,842,000.00 from the Sanitary Sewer Reserve Fund 6102, to the Ohio Water Development (OWDA) Loan Fund, Fund 6111; and authorizes the expenditure of up to \$1,842,000.00 from the loan fund.

To authorize the Director of Public Utilities to enter into a construction contract with the Peterson Construction Co., Inc. for the Combined Sewer Overflow Reduction Improvements at the Wastewater Treatment Facilities System project; to authorize the appropriation and transfer of \$1,842,000.00 from the Sanitary Sewer Reserve Fund to the Ohio Water Development Loan Fund; and to authorize the expenditure of up to \$1,842,000.00 from said loan fund for the Division of Sewerage and Drainage. (\$1,842,000.00).

**WHEREAS**, three (3) bids for the Combined Sewer Overflow Reduction Improvements at the Wastewater Treatment Facilities System project, CIP 650347-100001 were received on October, 19, 2016; and

**WHEREAS**, the lowest, best, most responsive and responsible bid was from Peterson Construction Company in the amount of \$1,842,000.00; and

**WHEREAS**, it is necessary to authorize the Director of Public Utilities to award and execute a construction contract with Peterson Construction Company for the Combined Sewer Overflow Reduction Improvements at the Wastewater Treatment Facilities System project, CIP 650347-100001; and

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

**WHEREAS**, the aggregate principal amount of obligations which the City will issue to finance this project will not exceed \$1,842,000.00; and

**WHEREAS**, it is necessary to authorize the expenditure of up to \$1,842,000.00 from the Ohio Water Development (OWDA) Loan Fund, Fund 6111; 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 the Division of Sewerage and Drainage, Department of Public Utilities, to authorize the Director of Public Utilities to enter into a construction contract with Peterson Construction Co., for the CSO Reduction Improvements at the WWTFs project 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 construction contract with the Peterson Construction Co., Inc., 18817 State Route 501 North Wapakoneta, Ohio 45895, for the Combined Sewer Overflow (CSO) Reduction Improvements at the Wastewater Treatment Facilities System (WWTFs), CIP 650347-100001, Contract S-85 in accordance with the terms and conditions as shown in the contract on file in the office of the Division of Sewerage and Drainage.

**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 ended December 31, 2016, the sum of \$1,842,000.00 is appropriated in Fund 6102 per the account codes in the DAX Financial attachment to this ordinance.

**SECTION 3.** That the transfer of \$1,842,000.00 or so much thereof as may be needed, is hereby authorized between the Sanitary Sewer Reserve Fund 6102 and OWDA Loan Fund 6111 per the accounting codes in the DAX Financial attachment to this ordinance.

**SECTION 4.** That the appropriation and expenditure of \$1,842,000.00 or so much thereof as may be needed, is hereby authorized in the Ohio Water Development (OWDA) Loan Fund, Fund 6111 per the accounting codes in the attachment to this ordinance.

**SECTION 5.** That the said firm, Peterson Construction 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 6.** That the City Auditor is hereby authorized to transfer the unencumbered balance in a 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.

**SECTION 7.** That the 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 \$1,842,000.00 (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 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.