



## Legislation Details (With Text)

**File #:** 0547-2017      **Version:** 1

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

**File created:** 2/23/2017      **In control:** Public Utilities Committee

**On agenda:** 4/3/2017      **Final action:** 4/5/2017

**Title:** To authorize the Director of Public Utilities to enter into an engineering agreement with ms Consultants, Inc. for the Williams / Behm HSTS Elimination Project; to authorize the appropriation and transfer of \$317,415.13 from the Sanitary Sewer Reserve Fund to the Ohio Water Development Loan Fund; to authorize the expenditure of up to \$317,415.13 from said loan fund for the Division of Sewerage and Drainage; and amend the 2016 Capital Improvements Budget. (\$317,415.13).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 0547-2017 Director's Legislation Information Sheet (5-23-11), 2. Ord 0547-2017 SWIF Williams Behm 650895-1 021517, 3. Ord 0547-2017 DAX Financials Williams Behm HSTS

| Date      | Ver. | Action By             | Action                  | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 4/5/2017  | 1    | CITY CLERK            | Attest                  |        |
| 4/5/2017  | 1    | ACTING MAYOR          | Signed                  |        |
| 4/3/2017  | 1    | COUNCIL PRESIDENT     | Signed                  |        |
| 4/3/2017  | 1    | Columbus City Council | Approved                | Pass   |
| 3/27/2017 | 1    | Columbus City Council | Read for the First Time |        |

**1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into an engineering agreement with ms Consultants, Inc. for the Williams / Behm HSTS (Home Sewage Treatment Systems) Elimination Project, CIP 650895-100001. This project will provide the detailed design, specifications, contract documents, and other reports required to construct a new sanitary sewer to the developed, unsewered area currently served by the Home Sewage Treatment Systems.

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, authorized the Director of Public Utilities to enter into a WPCLF Loan for the project. The project's assigned WPCLF Number is CS390274-0262. Upon the loan award, which is expected on May 25, 2017, an OWDA Loan Account number will be assigned.

**2. PROJECT TIMELINE:** It is anticipated that a notice to proceed will be issued in April of 2017 with a start date of May 2017. It is anticipated that it will take 16 months to complete the project.

**3. PROCUREMENT INFORMATION:** The Division advertised for a Request for Proposals (RFP's) 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 five (5) proposals on November 11, 2016 from the following companies:

| Name           | C.C. No.   | Exp. Date  | Vendor# | City/State     | Status |
|----------------|------------|------------|---------|----------------|--------|
| ms Consultants | 34-6546916 | 02/18/2018 | 006998  | Columbus, Ohio | MAJ    |

|  |            |            |        |                |     |
|--|------------|------------|--------|----------------|-----|
| RA Consultants, LLC                        | 20-0654077 | 05/21/2017 | 000963 | Columbus, Ohio | MAJ |
| Strand                                     | 39-1020418 | 09/25/2017 | 007735 | Columbus, Ohio | MAJ |
| CT Consultants                             | 34-0792089 | 10/17/2018 | 006450 | Columbus, Ohio | MAJ |
| Glaus, Pyle, Schomer, Burns<br>And Dehaven | 34-1134715 | 05/28/2017 | 006560 | Columbus, Ohio | MAJ |

The proposals were reviewed and evaluated by the Proposal Evaluation Committee and determined that the proposal that met or exceeded the requirements as stated in the RFP was ms Consultants, Inc.

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

**5. CONTRACT COMPLIANCE NO:** 34-6546916 | MAJ | 02/18/2018 | Vendor #: 006998

**6. ECONOMIC IMPACT:** This project was being undertaken to eliminate the home treatment systems due to the potential ground water pollution hazard.

**7. FISCAL IMPACT:** This legislation authorizes the appropriation and transfer of \$317,415.13 from the Sanitary Sewer Reserve Fund 6102, to the Ohio Water Development (OWDA) Loan Fund, Fund 6111; authorizes the expenditure of up to \$317,415.13 from the loan fund; and an amendment to the 2016 Capital Improvements Budget.

To authorize the Director of Public Utilities to enter into an engineering agreement with ms Consultants, Inc. for the Williams / Behm HSTS Elimination Project; to authorize the appropriation and transfer of \$317,415.13 from the Sanitary Sewer Reserve Fund to the Ohio Water Development Loan Fund; to authorize the expenditure of up to \$317,415.13 from said loan fund for the Division of Sewerage and Drainage; and amend the 2016 Capital Improvements Budget. (\$317,415.13).

**WHEREAS**, it is necessary to authorize the Director of Public Utilities to enter into an engineering agreement with ms Consultants, Inc. for the Williams / Behm HSTS Elimination Project, CIP 650895-100001; and

**WHEREAS**, this project will provide the detailed design, specifications, contract documents, and other reports required to construct a new sanitary sewer to the developed, unsewered area currently served by Home Sewage Treatment Systems (HSTS); and

**WHEREAS**, the Ohio Water Development Authority (OWDA) will approve an Ohio EPA WPCLF loan agreement with the City of Columbus on May 25, 2017, in the amount of \$317,415.13 to provide financing for the above listed project with eligible costs; and

**WHEREAS**, it is necessary to both appropriate funds from the Sewer System Reserve Fund and to authorize the transfer of said funds to 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 \$317,415.13; and

**WHEREAS**, it is necessary to authorize the expenditure of up to \$317,415.13 from the Ohio Water Development (OWDA) Loan Fund, Fund 6111; and

**WHEREAS**, it is necessary to authorize an amendment to the 2016 Capital Improvements Budget; 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 to authorize the Director to enter into an engineering agreement with ms Consultants, Inc. for the Williams / Behm HSTS Elimination Project, CIP 650896-100001 at the earliest practical date for the preservation of the public health and safety; **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 an engineering agreement with ms Consultants, Inc., 2221 Schrock Road, Columbus, Ohio 43229, for the Williams / Behm HSTS Elimination Project, CIP 650896-100001 in accordance with the terms and conditions 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, 2017, the sum of \$317,415.13 is appropriated in Fund 6102, per the account codes in the DAX Financial attachment to this ordinance.

**SECTION 3.** That the transfer of \$317,415.13 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 attachment to this ordinance.

**SECTION 4.** That the appropriation and expenditure of \$317,415.13 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 2016 Capital Improvements Budget Ordinance is hereby amended as follows:

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

650491-100002 | Lockbourne Air Quality Improvements | \$20,965,000 | \$20,647,585 | (-\$317,416)

650895-100001 | Williams/Behm HSTS Elimination Project | \$0 | \$317,416 | (+\$317,416)

**SECTION 6.** That the said firm, ms Consultants 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 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 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 9.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 10.** 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 11.** 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 12.** 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 \$317,415.13 (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 13.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.