



## Legislation Details (With Text)

**File #:** 0878-2017      **Version:** 1

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

**File created:** 3/27/2017      **In control:** Public Utilities Committee

**On agenda:** 5/1/2017      **Final action:** 5/4/2017

**Title:** To authorize the Director of Public Utilities to enter into a construction contract with the Elite Excavating Co. of Ohio, Inc. for the Blueprint Weisheimer/Indian Springs Integrated Solutions Improvements Project; to authorize the appropriation and transfer of \$1,497,384.00 from the Sanitary Sewer Reserve Fund to the Ohio Water Development Loan Fund; and to authorize the expenditure of up to \$1,497,384.00 from said loan fund for the Division of Sewerage and Drainage; and to declare an emergency. (\$1,497,384.00).

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**Attachments:** 1. Ord 0878-2017 Bid Tab Weisheimer Indian Springs, 2. Ord 0878-2017 SWIF Weisheimer Indian Springs Integrated Sols, 3. Ord 0878-2017 Director's Legislation Info Sheet (870.02 Part 2A), 4. Ord 0878-2017 DAX Financials

Date	Ver.	Action By	Action	Result
5/4/2017	1	CITY CLERK	Attest	
5/3/2017	1	MAYOR	Signed	
5/1/2017	1	COUNCIL PRESIDENT	Signed	
5/1/2017	1	Columbus City Council	Approved	Pass

1. **BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with the Elite Excavating Co. of Ohio, Inc. for the Blueprint Weisheimer/Indian Springs Integrated Solutions Improvements Project, CIP 650870-100002. This project consists of constructing 42 bio-retention basins/rain gardens in the Clintonville area to store and treat stormwater runoff as part of the City of Columbus' Wet Weather Integrated Plan mandated by the Ohio Environmental Protection Agency. No future phases are planned. Blueprint Weisheimer/Indian Springs Roadway Improvements project is in the Clintonville Planning area.

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 CS390274-0218. Upon the loan award, which is expected in either April or May 2017, an OWDA Loan Account number will be assigned.

2. **PROJECT TIMELINE:** the work is to be completed within 540 calendar days after the effective date of the Notice to Proceed.
3. **PROCUREMENT INFORMATION:** The Division advertised for competitive bids for the subject project on the City's Vendor Services website, the City's Bulletin in accordance with the overall provisions of Section 329 of Columbus's City Codes, and the Bid Express website. The Division of Sewerage and Drainage received three (3) bids on March 1, 2017 from the following companies:

4. Name	C.C. No	Vendor #	Exp. Date	City/State	Status
Elite Excavating Co. of Ohio	20-1643186	001064	08/17/18	Mansfield, Ohio	MAJ
Shelly & Sands Inc.	31-4351261	006043	12/23/17	Cols, Ohio	MAJ
Facemyer Co.	31-1757841	005926	12/08/16	Galena, Ohio	FBE

These bids were reviewed and ranked utilizing the Bid Tab and Quality Factor Form process. After reviewing these bids and the QFF form, it was determined that Elite Excavating Co. of Ohio, Inc. was the lowest responsive, responsible, and best bid.

5. **EMERGENCY DESIGNATION:** An emergency designation **is requested** at this time in order to comply with project requirements.
6. **CONTRACT COMPLIANCE NO:** 20-164318 | MAJ | 08/17/2018 | Vendor #: 001064
7. **ECONOMIC IMPACT:** This project will capture and treat non-point source stormwater runoff using local contractors in order to improve water quality within the Olentangy River and other receiving streams. Several public meetings were conducted to incorporate stakeholder input in to the project design.
8. **FISCAL IMPACT:** This legislation authorizes the appropriation and transfer of \$1,497,384.00 from the Sanitary Sewer Reserve Fund 6102, to the Ohio Water Development (OWDA) Loan Fund, Fund 6111; and authorizes the expenditure of up to \$1,497,384.00 from the loan fund.

To authorize the Director of Public Utilities to enter into a construction contract with the Elite Excavating Co. of Ohio, Inc. for the Blueprint Weisheimer/Indian Springs Integrated Solutions Improvements Project; to authorize the appropriation and transfer of \$1,497,384.00 from the Sanitary Sewer Reserve Fund to the Ohio Water Development Loan Fund; and to authorize the expenditure of up to \$1,497,384.00 from said loan fund for the Division of Sewerage and Drainage; and to declare an emergency. (\$1,497,384.00).

**WHEREAS**, it is necessary to authorize the Director of Public Utilities to enter into a construction contract with the Elite Excavating Co. of Ohio, Inc. for the Blueprint Weisheimer/Indian Springs Integrated Solutions Improvements Project, CIP 650870-100002; and

**WHEREAS**, the Ohio Water Development Authority (OWDA) will approve an Ohio EPA WPCLF loan agreement with the City of Columbus in either the April or May award period, in the amount of \$1,497,384.00 to provide financing for the above listed project with eligible costs including the construction contract and contingency; 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 \$1,497,384.00; and

**WHEREAS**, it is necessary to authorize the expenditure of up to \$1,497,384.00 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**, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is

immediately necessary to authorize the Director to enter into a construction contract with the Elite Excavating Co. of Ohio, Inc. for the Blueprint Weisheimer/Indian Springs Integrated Solutions Improvements Project, CIP 650870-100002A in order to comply with project requirements, for the preservation of the public health, safety and welfare; **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 Elite Excavating Co. of Ohio, Inc., 4500 Snodgrass Road, Mansfield, Ohio 44903, for the Blueprint Weisheimer/Indian Springs Integrated Solutions Improvements Project 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 \$1,497,384.00 is appropriated in Fund 6102, per the account codes in the DAX Financial attachment to this ordinance.

**SECTION 3.** That the transfer of \$1,497,384.00 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 attachment to this ordinance.

**SECTION 4.** That the appropriation and expenditure of \$1,497,384.00 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 said firm, Elite Excavating Co. of Ohio, 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 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 7.** 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 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 \$1,497,384.00 (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 12.** That for reasons stated in the preamble hereto, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force and after its passage and approval by the Mayor or ten days after its passage if the Mayor neither approves nor vetoes the same.