



Legislation Details (With Text)

File #: 1606-2017 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 6/9/2017 **In control:** Public Utilities Committee

On agenda: 7/31/2017 **Final action:** 8/3/2017

Title: To authorize the Director of Public Utilities to enter into a construction contract with the Shelly & Sands, Inc. for the Morse / Dominion Integrated Solutions Project; to authorize the appropriation and transfer of \$5,658,402.42 from the Sanitary Sewer Reserve Fund to the Ohio Water Development Loan Fund; to authorize the expenditure of up to \$5,658,402.42 from said loan fund for the Division of Sewerage and Drainage; and to authorize an amendment to the 2017 Capital Improvements Budget to create sufficient budget authority for this project. (\$5,658,402.42).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ord 1606-2017 Bid Tab Morse Dominion, 2. Ord 1606-2017 DAX Financials Morse Dominion, 3. Ord 1606-2017 SWIF Morse Dominion 650870-3

Date	Ver.	Action By	Action	Result
8/3/2017	1	ACTING CITY CLERK	Attest	
8/2/2017	1	MAYOR	Signed	
7/31/2017	1	COUNCIL PRESIDENT	Signed	
7/31/2017	1	Columbus City Council	Approved	Pass
7/24/2017	1	Columbus City Council	Read for the First Time	

1. **BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into construction contract with Shelly & Sands, Inc. for the Morse / Dominion Integrated Solutions project, CIP 650870-100003. The work for this project consists of the construction of 53 bio-retention facilities along Morse Rd., Jeffrey Pl., Royal Forest Blvd., Beechwood Blvd., Wetmore Rd., Beaumont Rd., Garden Rd., Weisheimer Rd. and Dominion Blvd. as well as a regional water quality basin along Indianola Ave. near its intersection with Royal Forest Blvd. 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 CS390274-0228. Upon the loan award, which is expected on July 27, 2017, an OWDA Loan Account number will be assigned.

2. **Project Timeline:** All work shall be completed within 550 calendar days of the Notice to Proceed.
3. **Procurement Information:** The Department of Public Utilities advertised for bids pursuant to the requirements of city code section 329 for the Morse / Dominion Integrated Solutions project and received two bids. These bids were opened, and evaluated using the bid tab and Quality Factor Form (QFF) process. It was determined that Shelly & Sands, Inc. best meet the needs of the Department of Public Utilities.

The Division of Sewerage and Drainage received two (2) bids on May 31, 2017.

<u>Name</u>	<u>C.C. No.</u>	<u>Exp. Date</u>	<u>Vendor</u>	<u>City/State</u>	<u>Status</u>
Shelly & Sands, Inc.	31-4351261	12/23/17	006043	Columbus, Ohio	MAJ
Trucco Construction Co.	31-1293605	5/6/2018	004988	Delaware, Ohio	MAJ

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 Shelly & Sands, Inc. was the lowest responsive, responsible, and best bid submitted. The Engineer's Estimate was \$4,277,375.40.

4. **Contract Compliance No.:** 31-4351261 | MAJ | (Exp. 12/23/2017) | Vendor #: 006043
5. **Emergency Designation:** An emergency designation **is not** requested at this time.
6. **FISCAL IMPACT:** This legislation authorizes the appropriation and transfer of \$5,658,402.42 from the Sanitary Sewer Reserve Fund 6102 to the Ohio Water Development (OWDA) Loan Fund, Fund 6111; and authorizes the expenditure of up to \$5,658,402.42 from the loan fund.

To authorize the Director of Public Utilities to enter into a construction contract with the Shelly & Sands, Inc. for the Morse / Dominion Integrated Solutions Project; to authorize the appropriation and transfer of \$5,658,402.42 from the Sanitary Sewer Reserve Fund to the Ohio Water Development Loan Fund; to authorize the expenditure of up to \$5,658,402.42 from said loan fund for the Division of Sewerage and Drainage; and to authorize an amendment to the 2017 Capital Improvements Budget to create sufficient budget authority for this project. (\$5,658,402.42).

WHEREAS, it is necessary to authorize the Director of Public Utilities to enter into a construction contract with the Shelly & Sands, Inc. for the Morse / Dominion Integrated Solutions Project, CIP 650870-100003; and

WHEREAS, the work consists of the construction of 53 bio-retention facilities, as well as a regional water quality basin, and other such work as may be necessary to complete the contract; and

WHEREAS, it is anticipated that the Ohio Water Development Authority (OWDA) will approve an Ohio EPA WPCLF loan agreement with the City of Columbus on July 27, 2017, in the amount of \$5,658,402.42 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, it is necessary to amend the 2017 Capital Improvements Budget to create sufficient budget authority for this project; and

WHEREAS, the aggregate principal amount of obligations which the City will issue to finance this project will not exceed \$5,658,402.42; and

WHEREAS, it is necessary to authorize the expenditure of up to \$5,658,402.42 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 of the Department of Public Utilities to authorize the

Director to enter into a construction contract with the Shelly & Sands, Inc. for the Morse / Dominion Integrated Solutions project, CIP 650870-100003 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 a construction contract Shelly & Sands, Inc., 1515 Harmon Avenue, Columbus, Ohio 43223 in connection with the Morse / Dominion Integrated Solutions Project in accordance with the terms and conditions as shown on 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, 2017, the sum of \$5,658,402.42 is appropriated in Fund 6102, per the account codes in the DAX Financial attachment to this ordinance.

SECTION 3. That the transfer of \$5,658,402.42 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 \$5,658,402.42 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 2017 Capital Improvements Budget is hereby amended as follows:

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

P650367-100002 | SWWTP CEPT Preliminary Treatment | \$10,124,449 | \$7,966,046 | (-\$2,158,403)

P650870-100003 | Morse / Dominion Integrated Solution | \$3,500,000 | \$5,568, 403 | (+\$2,158,403)

SECTION 6. That the said firm, Shelly & Sands, 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 \$5,658,402.42 (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.