



Legislation Details (With Text)

File #: 1305-2018 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 5/1/2018 **In control:** Public Utilities Committee

On agenda: 6/4/2018 **Final action:** 6/7/2018

Title: To authorize the Director of Public Utilities to enter into a construction contract with George J. Igel & Co., Inc. for the Rathbone Avenue Stormwater System Improvements Project; to authorize the appropriation and transfer of \$1,371,159.53 from the Storm Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the expenditure of \$1,371,159.53 from the Ohio Water Development (OWDA) Loan Fund; and to amend the 2018 Capital Improvement Budget. (\$1,371,159.53)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ord 1305-2018 610805 Director's Legislation Information Sheet (9-8-14), 2. Ord 1305-2018 Bid Tab, 3. Ord 1305-2018 QFF Eval Loan Funded, 4. ORD. 1305-2018 Updated SWIF, 5. Ord 1305-2018 Funding Template Revised

Date	Ver.	Action By	Action	Result
6/7/2018	1	CITY CLERK	Attest	
6/6/2018	1	MAYOR	Signed	
6/4/2018	1	COUNCIL PRESIDENT	Signed	
6/4/2018	1	Columbus City Council	Approved	Pass
5/21/2018	1	Columbus City Council	Read for the First Time	

BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a construction contract with George J. Igel & Co., Inc. for the Rathbone Avenue Stormwater System Improvements, CIP 610805-100000.

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).

PROJECT TIMELINE: Contract work is required to be completed in a manner acceptable to the City within 365 calendar days from the date that a Notice To Proceed (NTP) is given by the City.

PROCUREMENT INFORMATION: The Department of Public Utilities advertised for competitive bids for the Rathbone Avenue Stormwater System Improvements in accordance with the provisions of Section 329 of Columbus City Code. Bids from six (6) companies were received on March 28, 2018 for this project:

- | | |
|---------------------------------------|----------------|
| 1. George J. Igel & Co., Inc. | \$1,371,159.53 |
| 2. Danbert, Inc. | \$1,371,159.53 |
| 3. Complete General Construction Co. | \$1,442,549.72 |
| 4. Shelly & Sands, Inc. | \$1,459,948.80 |
| 5. Elite Excavating Co. of Ohio, Inc. | \$1,468,560.00 |

6. Beheler Excavating, Inc. \$2,138,820.60

The bids were evaluated using the bid tab and quality factor forms and it was determined that George J. Igel & Co., Inc. was the lowest responsive, responsible, and best bid.

This company is not debarred according to the Federal Excluded Parties Listing or the State Auditor's Findings for Recovery Database.

CONTRACT COMPLIANCE No.: 31-4214570 | MAJ | Exp. 4/13/19 Vendor #: 006024

EMERGENCY DESIGNATION: Emergency designation **is not** requested.

ECONOMIC IMPACT: Proposed stormwater system improvements will mitigate street flooding and yard flooding, thereby improving the quality of life in this neighborhood.

FISCAL IMPACT: This ordinance authorizes the appropriation and transfer of \$1,371,159.53 from the Storm Sewer Reserve Fund 6207 to the Ohio Water Development (OWDA) Loan Fund 6211; authorizes the expenditure of up to \$1,371,159.53 from the OWDA loan fund 6211; and amends the 2018 Capital Improvement Budget.

To authorize the Director of Public Utilities to enter into a construction contract with George J. Igel & Co., Inc. for the Rathbone Avenue Stormwater System Improvements Project; to authorize the appropriation and transfer of \$1,371,159.53 from the Storm Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the expenditure of \$1,371,159.53 from the Ohio Water Development (OWDA) Loan Fund; and to amend the 2018 Capital Improvement Budget. (\$1,371,159.53)

WHEREAS, the Department of Public Utilities advertised for competitive bids for the Rathbone Avenue Stormwater System Improvements Project, on the City's Vendor Services website and in the City Bulletin in accordance with the overall provisions of Chapter 329 of the Columbus City Code; and

WHEREAS, six (6) companies submitted bids for this project, and George J. Igel & Co., Inc. was selected using the bid tabulation and quality factor process; and

WHEREAS, the Ohio Water Development Authority (OWDA) will approve an Ohio EPA WPCLF loan agreement with the City of Columbus in the June 2018 award period, in the amount of \$1,371,159.53 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 Storm Sewer 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 Storm Sewer Reserve Fund; and

WHEREAS, the aggregate principal amount of obligations which the City will issue to finance this project will not exceed \$1,371,159.53; and

WHEREAS, it is necessary to authorize the appropriation and expenditure of up to \$1,371,159.53 from the Ohio Water Development (OWDA) Loan Fund 6211; and

WHEREAS, it is necessary to amend the 2018 Capital Improvement Budget to align the authority with the correct loan fund for the Stormwater program; 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 George J. Igel & Co., Inc. for the Rathbone Avenue Stormwater System Improvements Project, CIP 610805-100000 for the preservation of the public health, peace, property, 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 with George J. Igel & Co., Inc., 2040 Alum Creek Dr., Columbus, Ohio 43207 for the Rathbone Avenue Stormwater System Improvements Project, CIP 610805-100000, pursuant to the terms and conditions as shown in the agreement on file in the office of the Division of Sewerage and Drainage.

SECTION 2. That from the unappropriated monies in the Storm Sewer Reserve Fund 6207 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, 2018, the sum of \$1,371,159.53 is appropriated, per the account codes in the funding attachment to this ordinance.

SECTION 3. That the transfer of \$1,371,159.53 or so much thereof as may be needed, is hereby authorized between the Storm Sewer Reserve Fund 6207 and OWDA Loan Fund 6211 per the accounting codes in the attachment to this ordinance.

SECTION 4. That the appropriation and expenditure of \$1,371,159.53, or so much thereof as may be needed, is hereby authorized in the Ohio Water Development (OWDA) Loan Fund, Fund 6211 per the accounting codes in the attachment to this ordinance.

SECTION 5. That the 2018 Capital Improvement Budget is amended as follows:

Fund No. | Project No. | Project Name | Current | Revised | (Change)

6111 | 610805-100000 | Rathbone Avenue Stormwater System Improvements | \$1,900,000 | \$0 | (-\$1,900,000)

6211 | 610805-100000 | Rathbone Avenue Stormwater System Improvements | \$0 | \$1,900,000 | (+\$1,900,000)

SECTION 6. That the said firm, George J. Igel & Co., 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 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 8. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 9. 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 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 \$1,371,159.53 (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.