



## Legislation Details (With Text)

**File #:** 2065-2018      **Version:** 1

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

**File created:** 7/10/2018      **In control:** Public Utilities Committee

**On agenda:** 9/24/2018      **Final action:** 9/27/2018

**Title:** To authorize the Director of Public Utilities to enter into a construction contract with the Spiniello Companies for the Alum Creek Trunk (Middle) Rehabilitation project, Phase B; to authorize the appropriation and transfer of \$7,393,239.07 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the expenditure of up to \$7,393,239.07 from the said fund; and to authorize an amendment to the 2018 Capital Improvements Budget. (\$7,393,239.07)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 2065-2018 650725\_100015\_Director's Legislation Information Sheet (2-8-2018), 2. Ord 2065-2018 Dax Financial Alum Ck Trunk Middle 650725-15, 3. Ord 2065-2018 Subcontractor Utilization Form Alum Creek Trunk Middle 650725-15

Date	Ver.	Action By	Action	Result
9/27/2018	1	CITY CLERK	Attest	
9/26/2018	1	MAYOR	Signed	
9/24/2018	1	COUNCIL PRESIDENT	Signed	
9/24/2018	1	Columbus City Council	Approved	Pass
9/17/2018	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 Spiniello Companies for the Alum Creek Trunk (Middle) Rehabilitation project, Phase B, CIP 650725-100015. The work for this project consists of cementitious lining and internal spot repairs of reinforced concrete pipe 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 2778-2017, passed December 4, 2017, authorizes the Director of Public Utilities to enter into a WPCLF Loan for the project. The project's assigned WPCLF Number is CS390274-0188. Upon the loan award, which is expected on August 30, 2018, an OWDA Loan Account number will be assigned.

**PROCUREMENT:** The Division advertised for competitive bids for the subject project 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 June 6, 2018 from the following companies:

Name	C.C. No.	Exp. Date	Vendor #	City/State	Status
Coastal Gunit Const Co.	52-1301361	09/16/17	012380	Florence, AL	MAJ
Spiniello Companies	95-4698835	04/06/20	010981	Livingston, NJ	MAJ
Proshot Concrete	20-5269497	02/19/19	001421	Florence, AL	MAJ

Coastal Gunit Construction Company was deemed non-responsive because they were not Construction Prequalified at the time of the bid opening. The remaining bids were reviewed and ranked utilizing the Bid Tab and Quality Factor Form (QFF) process. After reviewing the bid and the QFF form, it was determined that the Spiniello Companies was the lowest, responsive, responsible, and best bid. The Engineer's Estimate was \$7,635,525.05

**PROJECT TIMELINE:** All work shall be substantially complete within 365 calendar days of the Notice to Proceed.

**CONTRACT COMPLIANCE NO.:** 95-4698835 | MAJ | Exp. 04/06/20 | Vendor#: 010981

**EMERGENCY DESIGNATION:** The Department of Public Utilities **is not requesting** emergency legislation.

**ECONOMIC IMPACT:** This project will provide funding to allow for the rehabilitation of the City's large diameter sanitary infrastructure. The work will consist of spot repairs and node to node lining of the existing trunk sewer. The general limits for the Alum Creek Middle Phase B starts south of Innis Road near the Bridgewater Golf Course and terminates near the intersection of Alum Creek and E. Main Street.

**FISCAL IMPACT:** This project uses OWDA loan funding. This ordinance authorizes the appropriation and transfer of \$7,393,239.07 from the Sanitary Sewer Reserve Fund 6102 to the Ohio Water Development (OWDA) Loan Fund 6111; authorizes the expenditure of up to \$7,393,239.07; and authorizes an amendment to the 2018 Capital Improvements Budget.

To authorize the Director of Public Utilities to enter into a construction contract with the Spiniello Companies for the Alum Creek Trunk (Middle) Rehabilitation project, Phase B; to authorize the appropriation and transfer of \$7,393,239.07 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the expenditure of up to \$7,393,239.07 from the said fund; and to authorize an amendment to the 2018 Capital Improvements Budget. (\$7,393,239.07)

**WHEREAS**, the Department of Public Utilities advertised for competitive bids for the Alum Creek Trunk (Middle) Rehabilitation project, Phase B, CIP 650725-100015, 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**, the bids were reviewed and ranked utilizing the Bid Tab and Quality Factor Form process and it was determined that the Spiniello Companies be awarded the construction contract; and

**WHEREAS**, it is necessary to both appropriate funds from the Sewer System Reserve Fund 6102, and to authorize the transfer of said funds to the OWDA Loan Fund 6111 in order to temporarily fund the loan portion of this project expenditure until the City receives the loan proceeds for the above stated purpose and reimburse the Sewer System Reserve Fund; and

**WHEREAS**, it is necessary to authorize the expenditure of up to \$7,393,239.07 from the Ohio Water Development (OWDA) Loan Fund 6111; and

**WHEREAS**, it is necessary to authorize an amendment to the 2018 Capital Improvements Budget; and

**WHEREAS**, the aggregate principal amount of obligations which the City will issue to finance this project will not exceed \$7,393,239.07; 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 Spiniello Companies for the Alum Creek Trunk (Middle) Rehabilitation project, Phase B, CIP 650725-100015 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 authorized to enter into a construction contract with Spiniello Companies, 354 Eisenhower Parkway, Livingston, NJ 07039, for the Alum Creek Trunk (Middle) Rehabilitation project, Phase B in accordance with 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 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, 2018, the sum of \$7,393,239.07 is appropriated in Fund 6102, per the account codes in the DAX Financial attachment to this ordinance.

**SECTION 3.** That the transfer of \$7,393,239.07 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 \$7,393,239.07 or so much thereof as may be needed, is hereby authorized in the Ohio Water Development (OWDA) Loan Fund 6111 per the accounting codes in the attachment to this ordinance.

**SECTION 5.** That the 2018 Capital Improvements Budget is hereby amended as follows:

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

6111 | 650725-100015 | Alum Creek Trunk Rehabilitation Ph. B | \$5,150,000 | \$7,393,240 | (+\$2,243,240) Creation of Authority to Match Expenditure

**SECTION 6.** That the said firm, Spiniello Companies, 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 \$7,393,239.07 (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.