



## Legislation Details (With Text)

**File #:** 0399-2019      **Version:** 1

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

**File created:** 1/29/2019      **In control:** Public Utilities Committee

**On agenda:** 3/11/2019      **Final action:** 3/13/2019

**Title:** To authorize the Director of Public Utilities to enter into a construction contract with Facemyer Landscaping, LLC for the Summit View Detention Basin Improvements Project; to authorize the appropriation and transfer of \$519,117.18 from the Storm Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; and to authorize the expenditure of \$519,117.18 from the Ohio Water Development (OWDA) Loan Fund. (\$519,117.18)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord. 0399-2019 Bid Tab, 2. Ord. 0399-2019 Funding Template 610792-100003, 3. Ord. 0399-2019 QFF Evaluation WPCLF Loan Funded, 4. Ord. 0399-2019 Utilization Form

| Date      | Ver. | Action By             | Action                  | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 3/13/2019 | 1    | CITY CLERK            | Attest                  |        |
| 3/12/2019 | 1    | MAYOR                 | Signed                  |        |
| 3/11/2019 | 1    | COUNCIL PRESIDENT     | Signed                  |        |
| 3/11/2019 | 1    | Columbus City Council | Approved                | Pass   |
| 2/25/2019 | 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 Facemyer Landscaping, LLC for the Summit View Detention Basin Improvements Project, CIP 610792-100003. The purpose of this project is to improve water quality leaving the basin and reduce basin maintenance and associated cost.

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).

Planning area is: 31 (Far Northwest).

**PROJECT TIMELINE:** Contract work is required to be completed in a manner acceptable to the City within 365 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 Summit View Detention Basin Improvements Project in accordance with the provisions of Section 329 of Columbus City Codes. The bids were opened on January 9, 2019. Three companies submitted bids for this project. The following companies submitted bids:

| Name                          | C.C. No./Exp. Date    |        | City/State  | Status |
|-------------------------------|-----------------------|--------|-------------|--------|
| Facemyer Landscaping, LLC     | 31-1757841 - 10/31/21 | 005926 | Sunbury/OH  | FBE    |
| Complete General Construction | 31-4366382 - 8/31/19  | 006056 | Columbus/OH | MAJ    |

Strawser Paving Company                      31-4412354 - 1/18/21                      006114                      Columbus/OH                      MAJ

The bids were evaluated using the bid tab and quality factor forms and it was determined that Facemyer Landscaping, LLC 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.:** 31-1757841 | FBE | Exp. 10/31/21 Vendor #: 005926

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

**ECONOMIC IMPACT:** The intent of the project is to improve water quality leaving the basin, and to reduce basin maintenance.

**FISCAL IMPACT:** This ordinance authorizes the appropriation and transfer of \$519,117.18 from the Storm Sewer Reserve Fund 6207 to the Ohio Water Development (OWDA) Loan Fund 6211; and authorizes the expenditure of up to \$519,117.18 from the OWDA loan fund 6211.

To authorize the Director of Public Utilities to enter into a construction contract with Facemyer Landscaping, LLC for the Summit View Detention Basin Improvements Project; to authorize the appropriation and transfer of \$519,117.18 from the Storm Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; and to authorize the expenditure of \$519,117.18 from the Ohio Water Development (OWDA) Loan Fund. (\$519,117.18)

**WHEREAS**, the Department of Public Utilities advertised for competitive bids for the Summit View Detention Basin 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**, three (3) companies submitted bids for this project and Facemyer Landscaping, LLC 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 April 2019 award period, in the amount of \$519,117.18 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 \$519,117.18; and

**WHEREAS**, it is necessary to authorize the expenditure of up to \$519,117.18 from the Ohio Water Development (OWDA) Loan Fund 6211; 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 Facemyer Landscaping, LLC for the Summit View Detention Basin

Improvements Project, CIP 610792-100003 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 Facemyer Landscaping, LLC, P.O. Box 304, Sunbury, OH 43074 for the Summit View Detention Basin Improvements Project 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, 2019, the sum of \$519,117.18 is appropriated, per the account codes in the funding attachment to this ordinance.

**SECTION 3.** That the transfer of \$519,117.18 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 \$519,117.18, 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 said firm, Facemyer Landscaping, LLC, 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 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 7.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 8.** 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 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 \$519,117.18 (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 this ordinance shall take effect and be in force from and after the earliest period allowed by law.