



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 3/3/2019 **In control:** Public Utilities Committee

On agenda: 4/1/2019 **Final action:** 4/3/2019

Title: To authorize the Director of Public Utilities to enter into a construction contract with Kenmore Construction for the Jackson Pike Wastewater Treatment Plant (JPWWTP) Biosolids Land Application Improvements Project; to authorize the appropriation and transfer of \$12,744,490.00 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the expenditure of \$12,744,490.00 from the Ohio Water Development (OWDA) Loan Fund. (\$12,744,490.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 0701-2019 Subcontractor Utilization JP Biosolids, 2. 0701-2019 DAX Financial Form JP Biosolids

Date	Ver.	Action By	Action	Result
4/3/2019	1	CITY CLERK	Attest	
4/2/2019	1	MAYOR	Signed	
4/1/2019	1	COUNCIL PRESIDENT	Signed	
4/1/2019	1	Columbus City Council	Approved	Pass
3/25/2019	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 Kenmore Construction for the Jackson Pike Wastewater Treatment Plant (JPWWTP) Biosolids Land Application Improvements, CIP 650243-100002, Contract J220. The work for this project consists of providing all labor, materials, equipment, and incidentals included and required in the Contract Documents for modifications and improvements to the plant's liquid bio-solids land application process, including modifications to six existing liquid bio-solids storage tanks and one existing thickening centrifuge, construction and installation of new facilities including two load out stations, new solids conveyance systems, associated electrical equipment, 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).

Planning Area Name: Southwest

Planning Area Number: 59

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 2551-2018, passed October 8, 2018, authorized the Director of Public Utilities to enter into a WPCLF Loan for the project. The project's assigned WPCLF Number is CS390274-0200. The loan award is expected on April 25, 2019 and an OWDA Loan Account number will be assigned. For this reason Federal Davis-Bacon Wage Rates and Requirements will apply.

PROJECT TIMELINE: Contract work is required to be substantially complete within 730 calendar days of the Notice to Proceed, with final completion to occur within 790 calendar days. The City anticipates issuing a Notice to Proceed on

or about June 2019.

PROCUREMENT INFORMATION: The Department of Public Utilities advertised for competitive bids for the JPWWTP Biosolids Land Application Improvements project in the City Bulletin in accordance with the overall provisions of Section 329 of Columbus City Codes. The bids were opened on February 13, 2019. The following four companies submitted bids for this project:

<u>Name</u>	<u>C.C. No. /</u>	<u>Exp. Date</u>	<u>Vendor#</u>	<u>City/State</u>	<u>Status</u>
Kenmore Construction	34-0802152	08/06/2020	006456	Akron, OH	MAJ
Kokosing Industrial	47-2946608	03/10/2019	012309	Westerville, OH	MAJ
Bowen Engineering	35-1136995	09/01/2019	007022	Indianapolis, IN	MAJ
Shook Construction	31-0443680	08/06/2020	004127	Moraine, OH	MAJ

The bids were evaluated using the bid tab and quality factor forms and it was determined that Kenmore Construction 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.: 34-0802152 | MAJ | Exp. 08/06/2020 | Vendor #: 006456

EMERGENCY DESIGNATION: Emergency designation **is not** requested at this time.

ECONOMIC IMPACT: This contract will continue the City's efforts to beneficially re-use biosolids generated at the wastewater treatment plants and will continue the City of Columbus Green Action Plan which specifically calls for expanded re-use of biosolids. This contract will provide infrastructure to the JPWWTP to facilitate the maximum beneficial agricultural use of the plant's biosolids by land application. Land application is currently the lowest cost method for biosolids utilization; so, expansion of this beneficial use presents an economic advantage.

No community outreach impact is considered for this project. Public informational meetings were not required, because all proposed work is within the boundaries of the wastewater treatment plant. Regulatory agencies have been notified of the proposed work as appropriate.

FISCAL IMPACT: This ordinance authorizes the appropriation and transfer of \$12,744,490.00 from the Sanitary Sewer Reserve Fund 6102 to the Ohio Water Development (OWDA) Loan Fund 6111 and authorizes an expenditure of up to \$12,744,490.00 from the OWDA loan fund 6111.

To authorize the Director of Public Utilities to enter into a construction contract with Kenmore Construction for the Jackson Pike Wastewater Treatment Plant (JPWWTP) Biosolids Land Application Improvements Project; to authorize the appropriation and transfer of \$12,744,490.00 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the expenditure of \$12,744,490.00 from the Ohio Water Development (OWDA) Loan Fund. (\$12,744,490.00)

WHEREAS, the Department of Public Utilities advertised for competitive bids for the Jackson Pike Wastewater Treatment Plant (JPWWTP) Biosolids Land Application Improvements, Contract J220, 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, four companies submitted bids for this project and Kenmore Construction was selected using the bid tab 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 25, 2019 award period, in the amount of \$12,744,490.00 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, it is necessary to authorize the expenditure of up to \$12,744,490.00 from the Ohio Water Development (OWDA) Loan Fund 6111; and

WHEREAS, the aggregate principal amount of obligations which the City will issue to finance this project will not exceed \$12,744,490.00; 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 Kenmore Construction for the Jackson Pike Wastewater Treatment Plant (JPWWTP) Biosolids Land Application Improvements, CIP 650243-100002, Contract J220 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 the Kenmore Construction, 700 Home Ave., Akron, Ohio 44310 for the Jackson Pike Wastewater Treatment Plant (JPWWTP) Biosolids Land Application Improvements, CIP 650243-100002, Contract J220 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 Sanitary Sewer Reserve Fund 6102 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 \$12,744,490.00 is appropriated, per the account codes in the funding attachment to this ordinance.

SECTION 3. That the transfer of \$12,744,490.00 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 \$12,744,490.00, 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 the said firm the Kenmore Construction, 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 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 10. 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 \$12,744,490.00 (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 11. 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 12. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.