



## Legislation Details (With Text)

**File #:** 0727-2019      **Version:** 1

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

**File created:** 3/5/2019      **In control:** Public Utilities Committee

**On agenda:** 4/29/2019      **Final action:** 5/2/2019

**Title:** To authorize the Director of Public Utilities to enter into a construction contract with the Elite Excavating Co. of Ohio, Inc. for the Woodward Avenue Sanitary Sewers and the Woodward, Wildwood, & Woodnell Storm Sewer Improvements Projects; to authorize the appropriation and transfer of \$698,246.40 from the Sanitary Sewer Reserve Fund to the Ohio Water Development Loan Fund; to authorize an appropriation within the Storm Recovery Zone Super B.A.B.s Fund; to authorize the expenditure of \$698,246.40 from the Ohio Water Development Fund; to authorize the transfer within and expenditure of up to \$442,471.05 from the Storm Recovery Zone Super Build America Bond Fund; to authorize the transfer within and the expenditure of up to \$2,783,402.55 from the Storm Sewer Bond Fund; and to amend the 2018 Capital Improvements Budget. (\$3,924,120.00).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 0727-2019 CIP 610990\_100001\_Woodward Storm\_Director's Legislation Information Sheet (9-8-14), 2. Ord 0727-2019 CIP 650570\_100000\_Woodward Sanitary\_Director's Legislation Information Sheet (9-8-14), 3. Ord 0727-2019 Subcontractor Utilization Form Woodward Wildwood Woodnell, 4. Ord. 0727-2019 Authority Amendment for Woodward Wildwood Woodnell Stormwater Improvements, 5. Ord 0727-2019 DAX Financial Form Woodward, Wildwood, Woodnell

Date	Ver.	Action By	Action	Result
5/2/2019	1	CITY CLERK	Attest	
5/1/2019	1	ACTING MAYOR	Signed	
4/29/2019	1	COUNCIL PRESIDENT	Signed	
4/29/2019	1	Columbus City Council	Approved	Pass
4/15/2019	1	Columbus City Council	Read for the First Time	

**1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with the Elite Excavating Co. of Ohio, Inc. for the Woodward Avenue Sanitary Sewers - 650570-100000 and Woodward, Wildwood, & Woodnell Storm Sewer Improvements - 610990-100001. These projects consists of providing sanitary sewer service to a residential area that is currently served by an on-lot (HSTS) sewage disposal systems, and construction of improvements to the existing stormwater conveyance system along Woodward Avenue, Wildwood Avenue and Woodnell Avenue 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).

The sanitary sewer portion of 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, authorizes the Director of Public Utilities to enter into a WPCLF Loan for the project. The project's assigned WPCLF Number is CS390274-0224. Upon the loan award, which is expected April 25, 2019, and an OWDA Loan Account number will be assigned.

Planning Area - South Linden - 45

2. **PROJECT TIMELINE:** the work is to be completed substantially complete within 730 calendar days after the effective date of the Notice to Proceed.
3. **PROCUREMENT INFORMATION:** The Division advertised for competitive bids for the subject project on the City's Vendor Services website, the City's Bulletin in accordance with the overall provisions of Section 329 of Columbus's City Codes, and the Bid Express website. The Division of Sewerage and Drainage received five (5) bids on February 13, 2019 from the following companies:

<u>4. Name</u>	<u>C.C. No</u>	<u>Vendor #</u>	<u>Exp. Date</u>	<u>City/State</u>	<u>Status</u>
Elite Excavating Co. of Ohio	20-1643186	001064	02/20/20	Mansfield, Ohio	MAJ
Kenmore Construction	34-0802152	006456	08/06/20	Akron, Ohio	MAJ
Complete General Construction	31-4366382	006056	08/31/19	Columbus, Ohio	MAJ
Shelly & Sands	31-4351261	006043	03/01/20	Columbus, Ohio	MAJ
Kokosing Industrial	47-2946608	012309	03/10/19	Westerville, 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 Elite Excavating Co. of Ohio, Inc. was the lowest responsive, responsible, and best bid.

5. **EMERGENCY DESIGNATION:** An emergency designation **is not requested** at this time.
6. **CONTRACT COMPLIANCE NO:** 20-1643186 | MAJ | 02/20/2020 | Vendor #: 001064
7. **ECONOMIC IMPACT:** The City has performed CCTV inspection of the storm sewers and found evidence of sanitary discharge from failing on-lot residential septic tanks. This area was developed prior to installation of City of Columbus sanitary sewers. Placement of new sanitary sewers will eliminate the risk of sanitary sewer flow in nearby storm sewers which is considered a violation of the City MS4 permit.
- These storm sewers have been identified as being in poor condition thru CCTV inspection and investigation of street and yard flooding complaints. Replacement of these sewers will reduce surface flooding, and will reduce the risk of sanitary sewer backups into basements or residential properties.
8. **FISCAL IMPACT:** This legislation authorizes the appropriation and transfer of \$698,246.40 from the Sanitary Sewer Reserve Fund 6102, to the Ohio Water Development (OWDA) Loan Fund, Fund 6111; an appropriation within the Storm Recovery Zone - Super B.A.B.s Fund 6202, as well as transfers within the Storm Sewer Bond Fund 6204 and the Storm Recovery Zone Super Build America Bond Fund 6202. The total expenditure for this ordinance is \$3,924,120.00. An amendment to the 2018 Capital Improvements Budget is also necessary.

To authorize the Director of Public Utilities to enter into a construction contract with the Elite Excavating Co. of Ohio, Inc. for the Woodward Avenue Sanitary Sewers and the Woodward, Wildwood, & Woodnell Storm Sewer Improvements Projects; to authorize the appropriation and transfer of \$698,246.40 from the Sanitary Sewer Reserve Fund to the Ohio Water Development Loan Fund; to authorize an appropriation within the Storm Recovery Zone Super B.A.B.s Fund; to authorize the expenditure of \$698,246.40 from the Ohio Water Development Fund; to authorize the transfer within and expenditure of up to \$442,471.05 from the Storm Recovery Zone Super Build America Bond Fund; to authorize the transfer within and the expenditure of up to \$2,783,402.55 from the Storm Sewer Bond Fund; and to amend the 2018 Capital Improvements Budget. (\$3,924,120.00).

**WHEREAS,** it is necessary to authorize the Director of Public Utilities to enter into a construction contract with the Elite Excavating Co. of Ohio, Inc. for the Woodward Avenue Sanitary Sewers - 650570-100000 and Woodward, Wildwood, &

Woodnell Storm Sewer Improvements - 610990-100001 projects; and

**WHEREAS**, the Ohio Water Development Authority (OWDA) will approve an Ohio EPA WPCLF loan agreement with the City of Columbus in April or May award period, in the amount of \$698,246.40.00 to provide financing for the Woodward Ave Sanitary Sewer portion of the listed projects 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**, the aggregate principal amount of obligations which the City will issue to finance this project will not exceed \$698,246.40; and

**WHEREAS**, it is necessary to transfer \$2,738,795.55 within the Storm Sewer Bond Fund 6204 and to transfer \$442,471.05 within the Storm Recovery Zone Build America Bond Fund 6202; and

**WHEREAS**, it is necessary to authorize the expenditure of up to \$698,246.40 from the Ohio Water Development (OWDA) Loan Fund, Fund 6111, and the expenditure of \$2,783,402.55 from the Storm Sewer Bond Fund 6204, and \$442,471.05 from the Storm Recovery Zone Super Build America Bond Fund 6202 for a combined total expenditure of \$3,924,120.00; 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 the Elite Excavating Co. of Ohio, Inc. for the Woodward Avenue Sanitary Sewers - 650570-100000 and Woodward, Wildwood, & Woodnell Storm Sewer Improvements - 610990-100001 Projects for the preservation of the public health, safety and welfare; **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 Elite Excavating Co. of Ohio, Inc., 4500 Snodgrass Road, Mansfield, Ohio 44903, for the Woodward Avenue Sanitary Sewers - 650570-100000 and Woodward, Wildwood, & Woodnell Storm Sewer Improvements - 610990-100001 in accordance with the terms and conditions 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, 2019, the sum of \$698,246.40 is appropriated in Fund 6102, and the sum of \$17,303.35 is appropriated in Fund 6202, per the account codes in the DAX Financial attachment to this ordinance.

**SECTION 3.** That the transfer of \$698,246.40 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 \$698,246.40 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 transfer and expenditure of \$3,181,266.60 is hereby authorized per the accounting codes in the attachment to this ordinance.

**SECTION 6.** The 2018 Capital Improvement Budget is amended per the attachment to this ordinance.

**SECTION 7.** That said firm, Elite Excavating Co. of Ohio, 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 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 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 10.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**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 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 13.** 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 \$698,246.40 (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 14.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.