# Legislation Details (With Text)

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| **File #:** | 2871-2019 **Version:** 1 | | |
| **Type:** | Ordinance | **Status:** | Passed |
| **File created:** | 10/29/2019 | **In control:** | Public Utilities Committee |
| **On agenda:** | 12/9/2019 | **Final action:** | 12/12/2019 |
| **Title:** | To authorize the Director of Public Utilities to enter into a construction contract with Fields Excavating, Inc. for the East Gates Street Area Water Line Improvements Project in an amount up to $3,304,166.52; to encumber funds with the Department of Public Service, Design and Construction Division for prevailing wage services in an amount up to $2,000.00; to authorize the appropriation and transfer of $3,304,166.52 from the Water System Reserve Fund to the Water Supply Revolving Loan Account Fund; to authorize the appropriation and expenditure of $3,304,166.52 from the Water Supply Revolving Loan Account Fund; to authorize an expenditure up to $2,000.00 within the Water General Obligations Voted Bond Fund; for the Division of Water; and to authorize an amendment of the 2019 Capital Improvements Budget. ($3,306,166.52) | | |
| **Sponsors:** | | | |
| **Indexes:** | | | |
| **Code sections:** | | | |
| **Attachments:** | 1. ORD 2871-2019 Bid Tab, 2. ORD 2871-2019 QFF Eval Loan Funded, 3. ORD 2871-2019 Information, 4. ORD 2871-2019 Utilization, 5. ORD 2871-2019 Funding | | |

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 12/12/2019 | 1 | CITY CLERK | Attest | |
| 12/11/2019 | 1 | MAYOR | Signed | |
| 12/9/2019 | 1 | COUNCIL PRESIDENT | Signed | |
| 12/9/2019 | 1 | Columbus City Council | Approved | Pass |
| 11/25/2019 | 1 | Columbus City Council | Read for the First Time | |

**1.0 BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with Fields Excavating, Inc. for the East Gates Street Area Water Line Improvements Project in an amount up to $3,304,166.52; to encumber funds with the Department of Public Service, Design and Construction Division for prevailing wage services in an amount up to $2,000.00; for Capital Improvements Project No. 690236-100093, Division of Water Contract Number 2117.

The goal of this project is to replace the existing 4-inch, 6-inch and 8-inch water lines that have a high break frequency. Replacement of these lines will improve water service, decrease burden on water maintenance operations, and reduce water loss.

This project includes open-cut installation of approximately 592 linear feet of 6-inch water main, 10,163 linear feet of 8-inch water main, and other such work as may be necessary to complete the contract.

This project is in the “63 - South Side” planning area and includes the following streets: Southwood Avenue, Hanford Street, Bruck Street, Frebis Avenue, E. Jenkins Avenue, Wilson Avenue, Miller Avenue, Ellsworth Avenue, McCloud Road, E. Gates Street, Lilley Avenue, Lockbourne Road, E. Columbus Street, Fairwood Avenue, Rainbow Park, Rhoads Avenue, and S. Washington Avenue.



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**2.0 ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT:**
The goal of this project is to replace or rehabilitate the existing 4-inch, 6-inch and 8-inch water lines that have a high break frequency. Replacement of these water lines will improve water service, decrease burden on water maintenance operations, and reduce water loss. The Neighborhood Liaison(s) has been contacted and informed of this project. Further community outreach may result through the Neighborhood Liaison Program.

**3.0 CONSTRUCTION CONTRACT AWARD:** The Director of Public Utilities publicly opened five (5) bids on October 16, 2019 from:

1. Fields Excavating, Inc. $3,304,166.52
2. Conie Construction Co. $3,409,750.00
3. Elite Excavating Co. of Ohio, Inc. $3,491,358.03
4. Danbert, Inc. $3,495,309.66
5. Shelly & Sands, Inc. $3,535,893.50

Fields Excavating's bid was deemed the lowest, best, most responsive and responsible bid in the amount of $3,304,166.52. Their Contract Compliance Number is 31-1451322 (expires 8/29/20, Majority) and their DAX Vendor No. is 5416. Additional information regarding all bidders, description of work, contract time frame and detailed amounts can be found on the attached Information form.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Fields Excavating, Inc.

**3.1 PRE-QUALIFICATION STATUS:** Fields Excavating, Inc. and all proposed subcontractors have met code requirements with respect to pre-qualification, pursuant to relevant sections of Columbus City Code Chapter 329.

**4.0 FISCAL IMPACT:** This Ordinance authorizes the City Auditor to appropriate and transfer funds from the Water System Reserve Fund to the Water Supply Revolving Loan Account Fund in order to fund this proposed expenditure. This transaction is a temporary measure that is required until such time as the Division is able to execute a loan with the Water Supply Revolving Loan Account Fund and reimburse the Water System Reserve Fund. The loan is expected to be approved in January 2020.

A portion of funding will also come from the Water G.O. Voted Bonds Fund.

To authorize the Director of Public Utilities to enter into a construction contract with Fields Excavating, Inc. for the East Gates Street Area Water Line Improvements Project in an amount up to $3,304,166.52; to encumber funds with the Department of Public Service, Design and Construction Division for prevailing wage services in an amount up to $2,000.00; to authorize the appropriation and transfer of $3,304,166.52 from the Water System Reserve Fund to the Water Supply Revolving Loan Account Fund; to authorize the appropriation and expenditure of $3,304,166.52 from the Water Supply Revolving Loan Account Fund; to authorize an expenditure up to $2,000.00 within the Water General Obligations Voted Bond Fund; for the Division of Water; and to authorize an amendment of the 2019 Capital Improvements Budget. ($3,306,166.52)

**WHEREAS,** five (5) bids for the East Gates Street Area Water Line Improvements Project were received and publicly opened in the offices of the Director of Public Utilities on October 16, 2019; and

**WHEREAS,** the lowest, best, most responsive and responsible bid was from Fields Excavating, Inc. in the amount of $3,304,166.52; and

**WHEREAS,** it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract and to encumber and expend funds to provide for payment of prevailing wage services associated with the East Gates Street Area Water Line Improvements Project; and

**WHEREAS,** it is necessary to both appropriate funds from the Water System Reserve Fund and to authorize the transfer of said funds into the Water Supply Revolving Loan Account Fund in order to temporarily fund this expenditure, until such time as the City is able to execute a loan for the above stated purpose and reimburse the Water System Reserve Fund; 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 construction of the Project described in this Ordinance (collectively, the "Project"); and

**WHEREAS,** it is necessary for this Council to authorize an expenditure of funds within the Water G.O. Voted Bonds Fund; and

**WHEREAS,** it is necessary to authorize an amendment to the 2019 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditures; and

**WHEREAS,** it has become necessary in the usual daily operation of the Division of Water, Department of Public Utilities, to authorize the Director of Public Utilities to enter into a construction contract with Fields Excavating, Inc. for the East Gates Street Area Water Line Improvements Project, for the preservation of the public health, peace, property and 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 for the East Gates Street Area Water Line Improvements Project with Fields Excavating, Inc. (FID# 31-1451322), 177 Twp. Rd. 191, Kitts Hill, OH 45645, in an amount up to $3,304,166.52; in accordance with the terms and conditions of the contract on file in the Office of the Division of Water; and to obtain the necessary prevailing wage services from the Design and Construction Division and to pay up to a maximum amount of $2,000.00.

**SECTION 2.** That said construction company shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Water.

**SECTION 3.** That the 2019 Capital Improvements Budget is hereby amended, as shown below:

**Fund No. | Fund Name | Project ID | Project Name | Current Authority | Revised Authority | Change**
6011 | WSRLA | P690236-100093 (NEW) | $3,300,000 | $3,304,167 | +$4,167 (establish authority to match expenditure)

**SECTION 4.** 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 ending December 31, 2020, the sum of $3,304,166.52 is appropriated in Fund 6003 - Water System Reserve Fund, in Object Class 10 - Transfer Out Expenditure, per the account codes in the attachment to this ordinance.

**SECTION 5.** That the transfer of $3,304,166.52 or so much thereof as may be needed, is hereby authorized between Fund 6003 - Water System Reserve Fund and Fund 6011 - Water Supply Revolving Loan Account Fund, per the account codes in the attachment to this ordinance.

**SECTION 6.** That the expenditure of $3,304,166.52 or so much thereof as may be needed, is hereby authorized in Fund 6011 - Water Supply Revolving Loan Account Fund, in Object Class 06 - Capital Outlay, per the accounting codes in the attachment to this ordinance.

**SECTION 7.** That the expenditure of $2,000.00 or so much thereof as may be needed, is hereby authorized in Fund 6006 - Water G.O. Bonds Fund, in Object Class 06 - Capital Outlay, per the accounting codes in the attachment to this ordinance.

**SECTION 8.** That upon obtaining other funds for the purpose of funding water system capital improvement work, the City Auditor is hereby authorized to repay the Water System Reserve Fund the amount transferred under Section 6 above, and said funds are hereby deemed appropriated for such purpose.

**SECTION 9.** 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 $3,304,166.52 (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 the Water System Reserve Fund, Fund 6003, which is the fund from which the advance for costs of the Project will be made.

**SECTION 10.** 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 11.** 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 12.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 13.** 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 14.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.



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