



## Legislation Details (With Text)

**File #:** 0038-2020 **Version:** 1

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

**File created:** 12/30/2019 **In control:** Public Utilities Committee

**On agenda:** 2/3/2020 **Final action:** 2/5/2020

**Title:** To authorize the Director of Public Utilities to enter into a construction contract with Proshot Concrete, Inc. for the Alum Creek Trunk (Middle) Rehabilitation - Phase C Project; to authorize the appropriation and transfer of \$5,729,118.30 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the appropriation and expenditure of \$5,729,118.30 from the Ohio Water Development (OWDA) Loan Fund; and to authorize an expenditure up to \$2,000.00 for prevailing wage services within the Sanitary General Obligations Voted Bonds Fund. (\$5,731,118.30)

### Sponsors:

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### Code sections:

**Attachments:** 1. ORD 0038-2020 Bid Tab, 2. ORD 0038-2020 QFF Eval Loan Funded, 3. ORD 0038-2020 Information, 4. ORD 0038-2020 Utilization, 5. ORD 0038-2020 map, 6. ORD 0038-2020 Funding

Date	Ver.	Action By	Action	Result
2/5/2020	1	CITY CLERK	Attest	
2/4/2020	1	MAYOR	Signed	
2/3/2020	1	COUNCIL PRESIDENT PRO-TEM	Signed	
2/3/2020	1	Columbus City Council	Approved	Pass
1/27/2020	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 Proshot Concrete, Inc. for the Alum Creek Trunk (Middle) Rehabilitation - Phase C Project, CIP 650725-100016.

Work consists of over 5,000 feet of continuous cementitious lining and internal spot repairs of 84" reinforced concrete pipe, and other such work as may be necessary to complete the contract. This work is in accordance with the requirements of the OEPA consent order.

Planning Area: "99 - Citywide"

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). The loan award is expected in February 2020, an OWDA Loan Account number will be assigned. Federal Davis-Bacon Wage Rates and Requirements will apply.

Funds in the amount of \$2,000.00 will also be encumbered for prevailing wage services.

**2. THE PROJECT TIMELINE:** The work under this contract shall be completed in a manner acceptable to the City within 540 days after the date of the Notice to Proceed.

**3. PROCUREMENT:** In accordance with the procedures set forth in the overall provisions of Columbus City Code, Section 329, Invitation for Bids were received December 11, 2019. Four (4) competitive bids were received and opened

at the Department of Public Utilities's 910 Dublin Road facility. The following bidders submitted bids:

<u>Name</u>	<u>C.C. No./Exp. Date</u>	<u>DAX #</u>	<u>City/State</u>	<u>Status</u>	
Proshot Concrete, Inc.	20-5269497 - 11/5/21	1421	Florence, AL	MAJ	
Municipal & Contractors Sealing Products					
Spiniello Companies					
Coastal Gunit Construction Company					

The selection process used the Bid Tab and Quality Factor Form evaluation process and was awarded to the lowest responsive, responsible and best bidder, Proshot Concrete, Inc.

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

**4. ENVIRONMENTAL IMPACT:** This rehabilitation is required to restore the hydraulic capacity of existing infrastructure and to rehabilitate it, so as to extend its useful life another 40 to 50 years.

**5. FISCAL IMPACT:** This Ordinance authorizes the City Auditor to appropriate and transfer funds from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan 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 OWDA Loan Fund and reimburse the Sanitary Sewer Reserve Fund. The loan is expected to be approved in February 2020.

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

To authorize the Director of Public Utilities to enter into a construction contract with Proshot Concrete, Inc. for the Alum Creek Trunk (Middle) Rehabilitation - Phase C Project; to authorize the appropriation and transfer of \$5,729,118.30 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the appropriation and expenditure of \$5,729,118.30 from the Ohio Water Development (OWDA) Loan Fund; and to authorize an expenditure up to \$2,000.00 for prevailing wage services within the Sanitary General Obligations Voted Bonds Fund. (\$5,731,118.30)

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract with Proshot Concrete, Inc. and to encumber and expend funds to provide for payment of prevailing wage services for the Division of Sewerage and Drainage's Alum Creek Trunk (Middle) Rehabilitation - Phase C Project; 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 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 Sanitary G.O. Voted Bonds Fund; 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 Proshot Concrete, Inc. for the Alum Creek Trunk (Middle) Rehabilitation - Phase C Project CIP # 650725-100016 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 Proshot Concrete, Inc., 4158 Musgrove Dr., Florence, AL 35630; for the Alum Creek Trunk (Middle) Rehabilitation - Phase C Project in accordance with the terms and conditions as shown in the agreement on file in the office of the Division of Sewerage and Drainage; and to obtain the necessary prevailing wage services and pay up to a maximum amount of \$2,000.00.

**SECTION 2.** That from the unappropriated monies in the Sanitary Sewer Reserve Fund No. 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, 2020, the sum of \$5,729,118.30 is appropriated in Fund 6102, per the account codes in the funding attachment to this ordinance.

**SECTION 3.** That the transfer of \$5,729,118.30 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 expenditure of \$5,731,118.30, or so much thereof as may be needed, is hereby authorized per the accounting codes in the attachment to this ordinance.

**SECTION 5.** That the said company, Proshot Concrete, 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 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 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 authorized to establish proper project accounting numbers as appropriate.

**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 \$5,729,118.30 (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.