



Legislation Details (With Text)

File #: 0823-2020 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 3/26/2020 **In control:** Public Utilities Committee

On agenda: 5/4/2020 **Final action:** 5/7/2020

Title: To authorize the Director of Public Utilities to enter into a construction contract with Facemyer Landscaping, LLC for the Holton Park/Eureka Ave. GI Improvements Project, to authorize the appropriation and transfer of \$251,805.30 from the Storm Sewer Reserve Fund to the Ohio Water Development Authority (OWDA) Storm Sewer Loan Fund; and to authorize the expenditure of \$251,805.30 from the Ohio Water Development Authority (OWDA) Storm Sewer Loan Fund; to authorize the transfer within and expenditure of up to \$2,000.00 for the Department of Public Service for Prevailing Wage Administration Costs for the Division of Sewerage and Drainage, Stormwater Section; and to authorize the expenditure of up to \$11,800.00 from the Department of Development Urban Infrastructure Rehabilitation Fund. (\$265,605.30)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ord. 0823-2020 Utilization Reporting Form (611030-100000), 2. Ord. 0823-2020 Funding Template 611030-100000

Date	Ver.	Action By	Action	Result
5/7/2020	1	CITY CLERK	Attest	
5/6/2020	1	MAYOR	Signed	
5/4/2020	1	COUNCIL PRESIDENT	Signed	
5/4/2020	1	Columbus City Council	Approved	Pass
4/20/2020	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 Holton Park/Eureka Ave. GI Improvements Project, CIP 611030-100000. Work on this project consists of designing and constructing green infrastructure on vacant parcels along the N. Eureka Ave corridor as well as at the Holton Park site in an effort to provide the water quality treatment for CIP 611009 - 100000 Terrace/Broad Stormwater System Improvements. This project will allow for the installation of more regional facilities that better meet the project requirements. The Department of Development is funding a portion of the project as the stormwater improvements overlapped their Steele Avenue project and improved the storm water runoff infrastructure within their project boundaries.

Planning area is “52 - Westland”.

PROJECT TIMELINE: All work shall be substantially complete within 270 calendar days of the Notice to Proceed, with final completion to occur within 365 calendar days. The City anticipates issuing a Notice to proceed on or about June 2020.

PROCUREMENT INFORMATION: The Department of Public Utilities advertised for competitive bids for the Holton

Park/Eureka Ave. Green Infrastructure Improvements Project in accordance with the provisions of Section 329 of Columbus City Codes. The bids were opened on March 11, 2020. The following five companies submitted bids for this project:

<u>Name</u>	<u>C.C. No./Exp. Date</u>	<u>DAX #</u>	<u>City/State</u>	<u>Status</u>
Facemyer Company	31-1757841/ 4/1/21	5926	Sunbury,OH	F1
Double Z Construction Co.	31-1788042/ 6/10/21	5966	Columbus, OH	MAJ
Danbert Inc.	31-1029004/ 3/10/22	4618	Plain City, OH	MAJ
The Righter Company	31-0889208/ 12/17/21	4433	Columbus, OH	MAJ
Sunesis Construction Co.	31-1323837/ 4/18/19	19623	West Chester, OH	MAJ

The bids were evaluated using the bid tab and quality factor forms and it was determined that Facemyer 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. 4/1/21| DAX #5926

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

ECONOMIC IMPACT: This project will allow the City to install more regional facilities as opposed to more scattered rain gardens in the area. While both would meet the water quality requirements, by constructing regional features, the cost of operation and maintenance is greatly reduced, you can achieve higher treatment levels and there will be more of a leave behind for the neighborhood in the form of improved park facilities as well as pocket parks within the neighborhood.

FISCAL IMPACT: This ordinance authorizes the appropriation and transfer of \$251,805.30 from the Storm Sewer Reserve Fund 6207 to the Ohio Water Development (OWDA) Storm Sewer Loan Fund 6211; authorizes the expenditure of up to \$251,805.30 from the OWDA Storm Sewer Loan Fund 6211; authorizes the expenditure of \$11,800.00 from the Department of Development UIRF Bond Fund 7704; and authorizes the transfer within and expenditure of up to \$2,000.00 from the Storm Sewer Bonds Fund 6204. An amendment to the 2019 Capital Improvement Budget is needed to provide sufficient authority.

To authorize the Director of Public Utilities to enter into a construction contract with Facemyer Landscaping, LLC for the Holton Park/Eureka Ave. GI Improvements Project, to authorize the appropriation and transfer of \$251,805.30 from the Storm Sewer Reserve Fund to the Ohio Water Development Authority (OWDA) Storm Sewer Loan Fund; and to authorize the expenditure of \$251,805.30 from the Ohio Water Development Authority (OWDA) Storm Sewer Loan Fund; to authorize the transfer within and expenditure of up to \$2,000.00 for the Department of Public Service for Prevailing Wage Administration Costs for the Division of Sewerage and Drainage, Stormwater Section; and to authorize the expenditure of up to \$11,800.00 from the Department of Development Urban Infrastructure Rehabilitation Fund. (\$265,605.30)

WHEREAS, the Department of Public Utilities advertised for competitive bids for the Holton Park/Eureka Ave. GI 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, five (5) companies submitted bids for this project and Facemyer Landscaping Company 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 2020 award period, in the amount of \$263,605.30 to provide financing for the above listed project with eligible costs including the construction contract and contingency; and

WHEREAS, it is necessary to authorize the transfer of said funds to the OWDA Storm Sewer 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 \$263,605.30; and

WHEREAS, it is necessary to authorize the expenditure of up to \$251,805.30 from the OWDA Storm Sewer 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 is necessary to authorize the transfer within and expenditure of up to \$2,000.00 for Prevailing Wage Services to the Department of Public Service; and

WHEREAS, it is necessary to authorize the expenditure of up to \$11,800.00 from the Department of Development UIRF Fund 7704; and

WHEREAS, it is necessary to amend the 2019 Capital Improvement Budget in order to provide sufficient authority; 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 Company for the Holton Park/Eureka Ave. GI Improvements Project, CIP 611030-100000, 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 Company, P.O. Box 304, Sunbury, Ohio 43074; for the Holton Park/Eureka Ave GI 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, 2020, the sum of 251,805.30 is appropriated, per the account codes in the funding attachment to this ordinance.

SECTION 3. That the transfer of \$251,805.30 or so much thereof as may be needed, is hereby authorized between the Storm Sewer Reserve Fund 6207 and OWDA Storm Sewer Loan Fund 6211 per the accounting codes in the attachment to this ordinance.

SECTION 4. That the appropriation and expenditure of \$251,805.30, or so much thereof as may be needed, is hereby authorized in the OWDA Storm Sewer Loan Fund 6211 per the accounting codes in the attachment to this ordinance.

SECTION 5. That the transfer within and expenditure of up to \$2,000.00 is authorized from the Storm Water Bond Fund 6204 per the accounting codes in the attachment to this ordinance.

SECTION 6. That the expenditure of up to \$11,800.00 is authorized from the Department of Development UIRF Fund 7704 per the accounting codes in the attachment to this ordinance.

SECTION 7. That the 2019 Capital Improvement Budget is amended as follows:

Fund	CIP#	Project Name	Current Authority	Revised Authority	Net Change
6204	/ 610855-100001/	Storm Sewer Contingencies	/ \$2,248 /	\$248	/ -\$2,000
6204	/ 611030-100000 /	Holton Park-Eureka Ave	/ \$67,845 /	\$65,845	/ \$2,000
7704	/ 440005-100000	UIRF (Voted Carryover)/	\$30,000 /	\$41,800/	+\$11,800

SECTION 8. That the said firm, Facemyer Landscaping Company, shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 9. 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 10. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 11. 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 12. 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 13. 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 Storm Sewer Reserve Fund 6207 the amount transferred above (Section 3), and said funds are hereby deemed appropriated for such purposes.

SECTION 14. 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 \$251,805.30 (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 the Storm Sewer Reserve Fund 6207, 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.