



Legislation Details (With Text)

File #: 2108-2020 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/13/2020 **In control:** Public Utilities Committee

On agenda: 10/12/2020 **Final action:** 10/15/2020

Title: To authorize the Director of Public Utilities to enter into a construction contract with Kokosing Industrial, Inc. for the Facilities and Equipment Upgrade for the Whittier Street Storm Tanks Project; to authorize the appropriation and transfer of \$7,800,000.00 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the appropriation and expenditure of \$7,800,000.00 from the Ohio Water Development (OWDA) Loan Fund; and to authorize an expenditure up to \$2,000.00 for prevailing wage services to the Department of Public Services within the Sanitary General Obligations Voted Bonds Fund. (\$7,802,000.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD 2108-2020 Utilization, 2. Ord. 2108-2020 Funding Template

Date	Ver.	Action By	Action	Result
10/15/2020	1	ACTING CITY CLERK	Attest	
10/14/2020	1	MAYOR	Signed	
10/12/2020	1	COUNCIL PRESIDENT	Signed	
10/12/2020	1	Columbus City Council	Approved	Pass
10/5/2020	1	Columbus City Council	Read for the First Time	

BACKGROUND: This project will provide extensive rehabilitation of the large gates used to operate the sewer system. These gates are critical for flood protection measures and the control of wastewater flows to the City's two Waste Water Treatment Plant (WWTP). These gates are well beyond their useful life and inspection shows them to be in poor condition.

The gatehouse facility will also be rehabilitated. Emergency gates to relieve OSIS, regulator gates, and shutoff gates will all be replaced along with all actuators, new electrical, MCC, and PLC. Actuators for the weir at drop shaft 4 will be installed to allow remote control of the weir elevation settings. New flow monitoring equipment will also be installed. A new and larger standby generator will be installed and fuel supply increased to comply with NEC 708. There will be new windows, doors, and HVAC.

This project will abandon the storm tanks at Whittier Street Storm Tanks (WSST). The tanks will be cleaned and pumps will be installed as a temporary measure to prevent nuisance stormwater from collecting in the tanks. The inlets to the tanks from OSIS will be bulk-headed and sealed. The storm overflow channel gates and travelling bridges will be abandoned in place until a future part 2 project is moved forward to completely decommission the tanks.

Community Planning Area: 99 Citywide

PROJECT TIMELINE: Contract work is required to be completed in a manner acceptable to the City within 670 days from the date that a Notice To Proceed (NTP) is given by the City.

PROCUREMENT INFORMATION: The Division advertised for competitive bids submission for the subject services 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. The Division of Sewerage and Drainage received three (3) bids on September 2, 2020 from the following company:

NAME	TAX ID	Expiration DAX #	City/State	Status	
Bowen Engineering	35-1136995	9/1/2022	007022	Indianapolis, IN	MAJ
Kokosing Industrial	47-2946608	6/12/2021	012309	Westerville, OH	MAJ
Kenmore Construct.	34-0802152	6/8/2022	006456	Akron, OH	MAJ

Bids were opened on September 2, 2020. Bid amounts were: Bowen Engineering Corporation \$7,565,200.00; Kokosing Industrial, Inc. \$7,800,000.00; and Kenmore Construction Co., Inc. \$7,926,250.00.

Bowen Engineering Corporation was found to be non-responsive, because the company was not Construction pre-qualified at the time of the bid opening. Therefore, Kokosing Industrial, Inc. is the lowest, responsive, responsible and best bidder.

EMERGENCY DESIGNATION is **not** requested for this project.

ECONOMIC / ENVIRONMENTAL IMPACT: This project will extend the life and functionality of the Whittier Street Control House, storm sewer control gates, and electrical system. The gates and actuators present at WSST facility are important to effective operations of the sewer system and the wastewater treatment plants. The rehabilitation of the control house facility and equipment will ensure its continued reliable operation in control of the sewer system.

FISCAL IMPACT: This Ordinance authorizes the City Auditor to appropriate and transfer funds from the Sanitary Sewer Reserve Fund 6102 to the Ohio Water Development (OWDA) Loan Fund 6111 in order to fund this 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 September 2020. Additionally \$2,000.00 is necessary for Prevailing Wage Services from the Department of Public Service. The expenditure of \$2,000.00 is needed from the Sanitary Sewer General Obligation Bond Fund 6109.

To authorize the Director of Public Utilities to enter into a construction contract with Kokosing Industrial, Inc. for the Facilities and Equipment Upgrade for the Whittier Street Storm Tanks Project; to authorize the appropriation and transfer of \$7,800,000.00 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the appropriation and expenditure of \$7,800,000.00 from the Ohio Water Development (OWDA) Loan Fund; and to authorize an expenditure up to \$2,000.00 for prevailing wage services to the Department of Public Services within the Sanitary General Obligations Voted Bonds Fund. (\$7,802,000.00)

WHEREAS, the Division of Sewerage and Drainage advertised for competitive bids for the Facilities and Equipment Upgrade for the Whittier Street Storm Tanks Project CIP# 650258-100001, and three (3) bids were received on September 2, 2020; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to execute a construction contract with Kokosing Industrial, Inc. and to encumber and expend funds to provide for prevailing wage services for the Division of Sewerage and Drainage's Facilities and Equipment Upgrade for the Whittier Street Storm Tanks Project, CIP# 650258-100001; and

WHEREAS, it is necessary to both appropriate funds from the Sewer System Reserve Fund 6102 and to authorize the

transfer of said funds to the OWDA Loan Fund 6111 in order to temporarily fund this expenditure until such time as the City receives loan proceeds for the above stated purpose and reimburses 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 the expenditure of up to \$2,000.00 within the Sanitary G.O. Voted Bonds Fund 6109 for Prevailing Wage Services to the Department of Public Service; and

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Utilities to authorize the Director the Director of the Department of Public Utilities to execute a construction contract with Kokosing Industrial, Inc. 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 with Kokosing Industrial, Inc., 6235 Westerville Rd., Westerville, Ohio 43081; for the Division of Sewerage and Drainage’s Facilities and Equipment Upgrade for the Whittier Street Storm Tanks Project, CIP# 650258-10000,1 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 from the Department of Public Services up to a maximum amount of \$2,000.00.

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, 2020, the sum of \$7,800,000.00 is appropriated in Fund 6102, per the account codes in the funding attachment to this ordinance.

SECTION 3. That the transfer of \$7,800,000.00 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 expenditure of \$7,802,000.00, inclusive of \$2,000.00 to the Department of Public Service for prevailing wage services, 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, Kokosing Industrial, 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 \$7,800,000.00 (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 12. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.