



## Legislation Details (With Text)

**File #:** 1640-2021      **Version:** 1

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

**File created:** 6/15/2021      **In control:** Public Utilities Committee

**On agenda:** 7/19/2021      **Final action:** 7/22/2021

**Title:** To authorize the Director of Public Utilities to enter into a construction contract with Shelly & Sands, Inc. for the East Franklinton Sewer and Water Line Improvements, Phase 3 Project; to authorize the appropriation and transfer of \$ 5,825,227.69 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the appropriation and transfer of \$3,389,855.60 from the Water System Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the appropriation and expenditure of \$5,825,277.69 from the Ohio Water Development (OWDA) Loan Fund; to authorize the appropriation and expenditure of \$3,389,855.60 from the Ohio Water Development (OWDA) Loan Fund; to authorize a transfer and expenditure of \$1,000.00 from the Sanitary General Obligation Bond Fund for Prevailing Wage Services; to authorize an expenditure up to \$1,000.00 within the Water General Obligation Bond Fund for Prevailing Wage Services; and to amend the 2020 Capital Improvement Budget. (\$9,217,083.29)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 1640-2021 Funding Template, 2. ORD. 1640-2021 WPCLF Sewer Utilization, 3. ORD. 1640-2021 WSRLA Water Utilization

Date	Ver.	Action By	Action	Result
7/22/2021	1	CITY CLERK	Attest	
7/20/2021	1	MAYOR	Signed	
7/19/2021	1	COUNCIL PRESIDENT	Signed	
7/19/2021	1	Columbus City Council	Approved	Pass
7/12/2021	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 Shelly and Sands for the East Franklinton Phase 3 Project, CIP No's 650560-100002 & 690236-100116, in an amount up to \$9,215,083.29. This is a joint project between the Division of Sewerage and Drainage and Division of Water and includes installation approximately 2,196 feet of 8" through 30" sanitary sewer, 3,053 feet of 10" through 48" storm sewer, 10,277 feet of 6" through 12" water line, sewer and manhole rehabilitation, and pump impeller replacement.

The Community Planning Area is "54 - Franklinton" and is bounded by W. Broad Street, Grubb Street, Dodge Park, and Lucas Street.

**PROJECT TIMELINE:** Construction contract work is required to be completed in a manner acceptable to the City within 18 months 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 four (4) bids on June 16, 2021 from the following:

NAME	TAX ID	DAX #	City/State	Status	Expiration
Shelly & Sands Inc.	31-4351261	006043	Columbus, OH	MAJ	2/21/2022
Complete General	31-4366382	006056	Columbus, OH	MAJ	6/8/2023
Elite Excavating Co.	20-1643186	001064	Ontario, OH	MAJ	2/4/2022
George J Igel & Co. Inc.	31-4214570	006024	Columbus, OH	MAJ	12/16/2022

**EMERGENCY DESIGNATION** is **not requested** at this time.

**ECONOMIC / ENVIRONMENTAL IMPACT:** The project will enable redevelopment of part of the Franklinton neighborhood by investing in new utility infrastructure. Sewer overflows and backups will be reduced by the project.

**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 and to appropriate and transfer funds from the Water System Reserve Fund 6003 to the WSRLA (OWDA) Loan Fund 6011 in order to fund this expenditure. This transaction is a temporary measure that is required until such time as the divisions are able to execute two (2) loans with the OWDA Loan Funds and reimburse both the Sanitary Sewer Reserve Fund and the Water System Reserve Fund. The loans are expected to be approved in August 2021. Additionally, \$2,000.00 is necessary for Prevailing Wage Services from the Department of Public Service. The transfer within and expenditure of \$1,000.00 is needed from the Sanitary Sewer General Obligation Bond Fund 6109. An expenditure for \$1,000.00 from the Water General Obligation Bond Fund 6006 is needed for Prevailing Wage Services. An amendment to the 2020 Capital Improvement Budget is also necessary to align the authority.

To authorize the Director of Public Utilities to enter into a construction contract with Shelly & Sands, Inc. for the East Franklinton Sewer and Water Line Improvements, Phase 3 Project; to authorize the appropriation and transfer of \$ 5,825,227.69 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the appropriation and transfer of \$3,389,855.60 from the Water System Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the appropriation and expenditure of \$5,825,277.69 from the Ohio Water Development (OWDA) Loan Fund; to authorize the appropriation and expenditure of \$3,389,855.60 from the Ohio Water Development (OWDA) Loan Fund; to authorize a transfer and expenditure of \$1,000.00 from the Sanitary General Obligation Bond Fund for Prevailing Wage Services; to authorize an expenditure up to \$1,000.00 within the Water General Obligation Bond Fund for Prevailing Wage Services; and to amend the 2020 Capital Improvement Budget. (\$9,217,083.29)

**WHEREAS**, the Divisions of Sewerage and Drainage and Water advertised for competitive bids for the East Franklinton Sewer and Water Line Improvements, Phase 3 Project and four (4) bids were received on June 16, 2021; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to execute a construction contract with Shelly & Sands, Inc. and to encumber and expend funds to provide for prevailing wage services for the East Franklinton Sewer and Water Improvements, Phase 3 Project ; 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**, it is necessary to both appropriate funds from the Water System Reserve Fund 6003 and to authorize the transfer of said funds to the OWDA Loan Fund 6011 in order to temporarily fund this expenditure until such time as the

City receives loan proceeds for the above stated purpose and reimburses 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 to authorize the transfer within and expenditure of up to \$1,000.00 from the Sanitary General Obligation Bond Fund 6109 for Prevailing Wage Services to the Department of Public Service; and

**WHEREAS**, it is necessary to authorize the expenditure of up to \$1,000.00 from the Water General Obligation Bond Fund 6006 for Prevailing Wage Services to the Department of Public Service; and

**WHEREAS**, it is necessary to authorize an amendment to the 2020 Capital Improvement Budget; and

**WHEREAS**, it has become necessary in the usual daily operation of the Department of Public Utilities, Divisions of Sewerage and Drainage and Water, to authorize the Director of Public Utilities to enter into a construction contract for the East Franklinton Sewer and Water Line Improvements, Phase 3 Project with Shelly & Sands, Inc. for the preservation of the public health, peace, property, 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 Shelly & Sands, Inc., 1515 Harmon Ave., Columbus, Ohio 43223; for the Division of Sewerage and Drainage’s and the Division of Water’s East Franklinton Sewer and Water Line Improvements, Phase 3 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 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, 2021, the sum of \$ 5,825,227.69 is appropriated in Fund 6102, per the account codes in the funding attachment to this ordinance.

**SECTION 3.** That from the unappropriated monies in the Water System Reserve Fund 6003 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 \$ 3,389,855.60 is appropriated in Fund 6003, per the account codes in the funding attachment to this ordinance.

**SECTION 4.** That the transfer of \$ 5,825,227.69 or so much thereof as may be needed, is hereby authorized between the Sanitary Sewer Reserve Fund 6102 and WPCLF/OWDA Loan Fund 6111 per the accounting codes in the attachment to this ordinance.

**SECTION 5.** That the transfer of \$ 3,389,855.60 or so much thereof as may be needed, is hereby authorized between the Water System Reserve Fund 6003 and WSRLA/OWDA Loan Fund 6011 per the accounting codes in the attachment to this ordinance.

**SECTION 6.** That the expenditure of \$9,217,083.29, 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 7.** That the 2020 Capital Improvement Budget is amended per the accounting codes in the attachment to this ordinance.

**SECTION 8.** That the said company, Shelly & Sands, Inc., shall perform the work to the satisfaction of the Director of Public Utilities and the Administrators of the Division of Sewerage and Drainage and Division of Water.

**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 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 authorized to establish proper project accounting numbers as appropriate.

**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 Sanitary Sewer Reserve Fund 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 \$9,215,083.29 (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 15.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.