



## Legislation Details (With Text)

**File #:** 2238-2021      **Version:** 1

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

**File created:** 8/25/2021      **In control:** Public Utilities Committee

**On agenda:** 9/20/2021      **Final action:** 9/23/2021

**Title:** To authorize the Director of Public Utilities to enter into a construction contract with Bowen Engineering, Inc. for the Jackson Pike Wastewater Treatment Plant Cogeneration Facility; to authorize the appropriation and transfer of \$30,132,734.00 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the appropriation and expenditure of \$30,132,734.00 from the Ohio Water Development (OWDA) Loan Fund; 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; and to amend the 2020 Capital Improvement Budget. (\$30,134,734.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2238-2021 Funding Template, 2. 2238-2021 Utilization Form, 3. Director's Legislation Information Sheet (9-8-14) Cogen

Date	Ver.	Action By	Action	Result
9/23/2021	1	CITY CLERK	Attest	
9/22/2021	1	MAYOR	Signed	
9/20/2021	1	COUNCIL PRESIDENT	Signed	
9/20/2021	1	Columbus City Council	Approved	Pass
9/13/2021	1	Columbus City Council	Read for the First Time	

**BACKGROUND:** This project will install a cogeneration system at Jackson Pike Wastewater Treatment Plant. The system will use methane-rich biogas from the digesters to create about half the electricity the plant uses and will also create steam and hot water for use throughout the plant. The system will have an acceptable payback period and make significant reductions in greenhouse gas emissions. The system is large and complex. A building will be modified to house the new CHP engine/generators installed there. The plant-wide biogas piping system will be replaced; the steam and hot water systems will be modified; the plant electrical power system will be modified; and boilers at the end of their useful life will be removed. As part of this project the plant CMT facilities will also be improved. This project will deliver a complete and fully operating system.

Planning Area - 99 - Citywide

**PROJECT TIMELINE:** Contract work is required to be substantially complete in a manner acceptable to the City within 730 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 August 4, 2021 from the following:

NAME	TAX ID	DAX #	City/State	Status	Expiration
Bowen Engineering	35-1136995	007022	Indianapolis, IN	MAJ	9/1/2022
Kokosing Industrial, Inc.	47-2946608	012309	Columbus, OH	MAJ	6/2/2023
Kenmore Construction	34-0802152	006456	Akron, OH	MAJ	6/8/2022

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

**ECONOMIC / ENVIRONMENTAL IMPACT:** This project will reduce electricity consumption at the plant by about half and will reduce greenhouse gas emissions by more than 4,000 tons a year of equivalent CO<sub>2</sub>. The project provides an acceptable payback period achieved from the reduced cost of electricity.

**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 October 2021. 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. 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 Bowen Engineering, Inc. for the Jackson Pike Wastewater Treatment Plant Cogeneration Facility; to authorize the appropriation and transfer of \$30,132,734.00 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the appropriation and expenditure of \$30,132,734.00 from the Ohio Water Development (OWDA) Loan Fund; 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; and to amend the 2020 Capital Improvement Budget. (\$30,134,734.00)

**WHEREAS**, the Division of Sewerage and Drainage advertised for competitive bids for the JPWWTP Cogeneration Facility, and three (3) bids were received on August 4, 2021; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to execute a construction contract with Bowen Engineering, Inc. and to encumber and expend funds to provide for prevailing wage services for the Division of Sewerage and Drainage's Jackson Pike Wastewater Treatment Plant Cogeneration Facility, CIP# 650250-100007; 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 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 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, Division of Sewerage and Drainage, to authorize the Director to enter into a construction with Bowen Engineering, Inc. in order to meet project deadlines and deliverables, 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 Bowen Engineering, Inc., 8802 North Meridian, Indianapolis, IN 46260; for the Division of Sewerage and Drainage's Jackson Pike Wastewater Treatment Plant Cogeneration Facility, CIP# 650250-100007, 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 \$30,132,734.00 is appropriated in Fund 6102, per the account codes in the funding attachment to this ordinance.

**SECTION 3.** That the appropriation and transfer of \$30,132,734.00 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 \$30,134,734.00, 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 2020 Capital Improvement Budget is amended as per the accounting codes as attached to this ordinance.

**SECTION 6.** That the said company, Bowen Engineering, 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 7.** 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 8.** 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 9.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 10.** 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 11.** 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 12.** 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 \$30,132,734.00 (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 13.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.