



Legislation Details (With Text)

File #: 2525-2021 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/29/2021 **In control:** Public Utilities Committee

On agenda: 10/25/2021 **Final action:** 10/27/2021

Title: To authorize the Director of Public Utilities to modify Ordinance 2762-2020 in order to apply for, accept, and execute an Ohio Water Pollution Control Loan Fund (WPCLF) Agreement for the Division of Sewerage and Drainage's Blueprint Linden - TSS Regional Bioretention Basins CIP 650870-100706; and to authorize the Director of Public Utilities to enter into a construction contract with Facemyer Landscaping, Inc., dba Facemyer Company for the Blueprint Linden - TSS Regional Bioretention Basins Project C.I.P. No. 650870-100706, and the Blueprint Linden - Linview Park Project C.I.P. No 650870-100705; to authorize the appropriation and transfer of \$4,637,940.42 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the appropriation and expenditure of \$4,637,940.42.00 from the Ohio Water Development (OWDA) Loan Fund; to authorize the transfer within of \$1,720,314.19 and the expenditure of up to \$2,030,560.19 from the Sanitary Sewer General Obligation Bond 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; to amend the 2020 Capital Improvement Budget. (\$6,668,500.61)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2525-2021 Utilization Form, 2. 2525-2021 Funding Template

Date	Ver.	Action By	Action	Result
10/27/2021	1	CITY CLERK	Attest	
10/26/2021	1	MAYOR	Signed	
10/25/2021	1	COUNCIL PRESIDENT	Signed	
10/25/2021	1	Columbus City Council	Approved	Pass
10/18/2021	1	Columbus City Council	Read for the First Time	

BACKGROUND: This project will capture and treat non-point source stormwater runoff using local contractors as part of the City of Columbus's Wet Weather Integrated Plan mandated by the Ohio Environmental Protection Agency.

Planning Area - 99 - Citywide

PROJECT TIMELINE: Contract work is required to be substantially complete in a manner acceptable to the City within 540 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 two (2) bids on September 22, 2021 from the following:

NAME	TAX ID	DAX #	City/State	Status	Expiration
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Facemyer Landscaping LLC	31-1757841	005926	Sunbury, OH	FBE	3/31/2023
Danbert Inc.	31-1029004	004618	Plain City, OH	MAJ	3/10/2022

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

ECONOMIC / ENVIRONMENTAL IMPACT: This project will capture and treat non-point source stormwater runoff using local contractors in order to improve water quality within the receiving streams. Several public meetings were conducted to incorporate stakeholder input in to the project design.

FISCAL IMPACT: This ordinance modifies Ordinance 2762-2020, passed on December 14, 2020 to add Division of Sewerage and Drainage's Blueprint Linden - TSS Regional Bioretention Basins Project, CIP# 650870-100706 in order to apply for, accept, and execute an Ohio Water Pollution Control Loan Fund (WPCLF) loan agreement. This ordinance also 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 November 2021. This Ordinance authorizes the transfer within of \$1,720,314.19 and expenditure of up to \$2,030,560.19, which includes \$2,000.00 for Prevailing Wage fees from the Sanitary Sewer General Obligation Bond Fund 6109 and amends the 2020 Capital Improvements Budget.

To authorize the Director of Public Utilities to modify Ordinance 2762-2020 in order to apply for, accept, and execute an Ohio Water Pollution Control Loan Fund (WPCLF) Agreement for the Division of Sewerage and Drainage's Blueprint Linden -TSS Regional Bioretention Basins CIP 650870-100706; and to authorize the Director of Public Utilities to enter into a construction contract with Facemyer Landscaping, Inc., dba Facemyer Company for the Blueprint Linden - TSS Regional Bioretention Basins Project C.I.P. No. 650870-100706, and the Blueprint Linden - Linview Park Project C.I.P. No 650870-100705; to authorize the appropriation and transfer of \$4,637,940.42 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the appropriation and expenditure of \$4,637,940.42.00 from the Ohio Water Development (OWDA) Loan Fund; to authorize the transfer within of \$1,720,314.19 and the expenditure of up to \$2,030,560.19 from the Sanitary Sewer General Obligation Bond 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; to amend the 2020 Capital Improvement Budget. (\$6,668,500.61)

WHEREAS, it has become necessary to modify Ordinance 2762-2020 in order to add the Blueprint Linden - TSS Regional Bioretention Basins Project CIP 650870-100706 to the list of projects for which the Director of Public Utilities is authorized to apply for, accept, and enter into WPCLF loan agreement with Ohio Water Development Authority; and

WHEREAS, the Division of Sewerage and Drainage advertised for competitive bids for the Blueprint Linden - TSS Regional Bioretention Basins/Linview Park Projects, and two (2) bids were received on September 15, 2021; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to execute a construction contract with Facemyer Company and to encumber and expend funds to provide for prevailing wage services for the Division of Sewerage and Drainage's Blueprint Linden - TSS Regional Bioretention Basins, CIP# 650870-100706, and the Blueprint Linden - Linview Park, CIP# 650870-100705; 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 transfer within of \$1,720,314.19 and the expenditure of up to \$2,030,560.19 from the Sanitary Sewer General Obligation Bond Fund, Fund 6109; 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 Facemyer Company 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 Ordinance 2762-2020, passed by Columbus City Council on December 14, 2020, is hereby modified to add the Blueprint Linden - TSS Regional Bioretention Basins Project, CIP #650870-100706 to the list of fifty eight (58) other projects for which the Director of Public Utilities is authorized to apply for, accept, and enter into WPCLF loan agreement with Ohio Water Development Authority.

SECTION 2. That the Director of Public Utilities is hereby authorized to enter into a construction contract with Facemyer Company, P.O. Box 304, Sunbury, OH 43074; for the Division of Sewerage and Drainage’s Blueprint Linden - TSS Regional Bioretention Basins, CIP# 650870-100706, and the Blueprint Linden - Linview Park, CIP# 650870-100705, 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 3. 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 \$4,637,940.42 is appropriated in Fund 6102, per the account codes in the funding attachment to this ordinance.

SECTION 4. That the transfer of \$4,637,940.42 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 5. That the transfer of up to \$1,720,314.19 within the Sanitary Sewer General Obligation Bond Fund 6109 is authorized per the codes in the attached funding template.

SECTION 6. That the expenditure of \$6,668,500.61, 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 as per the accounting codes as attached to this ordinance.

SECTION 8. That the said company, Facemyer 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 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 \$4,637,940.42 (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.