



Legislation Details (With Text)

File #: 2246-2023 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 7/18/2023 **In control:** Public Utilities Committee

On agenda: 9/11/2023 **Final action:** 9/13/2023

Title: To authorize the Director of Public Utilities to enter into a construction contract with Complete General Construction Company for the Kerr Russell Inflow Redirection project; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund to the Sanitary Revolving Loan Fund; to authorize the appropriation of funds within the Sanitary Revolving Loan Fund; to authorize the expenditure of up to \$6,975,087.14 from the Sanitary Revolving Loan Fund and the Sanitary Bond Fund to pay for the project; to authorize the Director of Public Utilities to increase the amount of the loan from the Ohio Water Pollution Control Loan Fund to fund the construction of this project; and to declare an emergency. (\$6,975,087.14).

Sponsors:

Indexes: EBE Participation, MBE Participation

Code sections:

Attachments: 1. ORD 2246-2023 Utilization, 2. ORD 2246-2023 Accounting Template

Date	Ver.	Action By	Action	Result
9/13/2023	1	CITY CLERK	Attest	
9/12/2023	1	MAYOR	Signed	
9/11/2023	1	COUNCIL PRESIDENT PRO-TEM	Signed	
9/11/2023	1	Columbus City Council	Approved	Pass

1. BACKGROUND

This ordinance authorizes the Director of Public Utilities to enter into a construction contract with Complete General Construction Company, for the Kerr Russell Inflow Redirection project, CIP #650790-113180, in an amount up to \$6,973,087.14; to encumber funds with the Department of Public Service for construction administration and inspection services in an amount up to \$2,000.00 (for a total expenditure of \$6,975,087.14); and seeks City Council approval to increase the maximum amount of a Water Pollution Control Loan Fund loan that will be used to fund construction of this project.

The work consists of approximately 2,349 feet of storm and sanitary sewer, 868 feet of CIPP lining of 36"/48" brick sewer, 827 feet of new 6"/8" water main, 1 new CSO structure, 984 square yards of permeable paver parking lane, and other such work as may be necessary to complete the contract.

Ordinance 3120-2022, passed 12/12/2022, authorized this project to be funded by a loan to be obtained through the Water Pollution Control Loan Fund (WPCLF) loan account in an amount not to exceed \$5,300,000.00. That ordinance estimated the loan amount to cover the construction cost of the Kerr Russell Inflow Redirection project would be \$5,300,000.00. The actual construction cost for this project per the bids received is \$6,973,087.14. This ordinance seeks City Council approval to increase the maximum loan amount that can be sought for this project to \$7,000,000.00 to cover the entire cost of construction and any additional administration costs that may be associated with seeking and administering the loan.

The Community Area for this ordinance will be 47, Italian Village.

TIMELINE: Contract work is required to be completed in a manner acceptable to the City within 450 days from the date that a Notice To Proceed (NTP) is given by the City.

ESTIMATED COST OF PROJECT: The bid amount and proposed award amount is \$6,973,087.14, including a 20% construction contingency amount that will be utilized to fund needed and approved changes in the work. No contract modifications are anticipated at this time; however, construction exigency might later compel modification of this contract, if unforeseen difficulties are encountered.

Cost summary:

Original Contract	\$6,973,087.14
Future Anticipated Needs	\$0.00
Prevailing Wage Services	<u>\$ 2,000.00</u>
CONTRACT TOTAL	\$6,975,087.14

2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT

The project will provide renewed parking areas and street surfaces along parts of Kerr and Warren Streets. There was significant coordination with the Italian Village Historical Association during design of the project. The project will improve water quality by increasing the level of service of the Kerr Russell combined sewer regulator.

3. CONSTRUCTION CONTRACT AWARD

An Invitation for Bids for the Public Sanitary Sewers for Kerr Russell Inflow Redirection project was advertised on the Vendor Services and Bid Express websites from 6/14/23 through 7/12/23. One bid was received for the project and was opened on 7/12/23. The following company submitted a bid:

<u>Company</u>	<u>Bid Amount</u>	<u>Compliance Number</u>	<u>ODI Status</u>
Complete General Construction	\$6,973,087.14	CC006056	MAJ

The Complete General Construction bid was deemed the lowest, best, most responsive and responsible bid in the amount of \$6,973,087.14.

The certification of Complete General Construction was in good standing at the time the bid was awarded.

4. CONTRACT COMPLIANCE INFORMATION

Complete General Construction’s contract compliance number is CC006056 and expires 5/10/25.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Complete General Construction.

5. MINORITY AND WOMAN OWNED BUSINESS ENTERPRISE & SMALL LOCAL BUSINESS ENTERPRISE PROGRAM

This contract was bid with an anticipated City of Columbus MBE/WBE Program goal of 10% as assigned by the City’s Office of Diversity and Inclusion (ODI). After ODI’s review of the Utilization Plan and other related information the contractor submitted with their bid response, ODI has approved an MBE/WBE Program goal of 10% for this contract. Failure by the contractor to meet this goal subjects the contractor to the Penalties for Non-Compliance as described in the “City’s Minority and Women-Owned Business Enterprise & Small Local Business Enterprise Program Manual” and in the bid documents for this contract.

Complete General Construction listed the following companies as subcontractors for this project:

<u>Company Name</u>	<u>City/State</u>	<u>ODI Certification Status</u>
Strawser Paving Company Inc	Columbus, Ohio	MAJ

Inliner Solutions LLC	Columbus, Ohio	MAJ
JN Graham Trucking LLC	Kingston, Ohio	EBE
Bridges Bros Trucking	Blacklick, Ohio	MBE
McDaniels Construction Corp., Inc.	Columbus, Ohio	MBE

The certification of Complete General Construction, Inc. and the above companies was in good standing at the time the bid was awarded.

6. PRE-QUALIFICATION STATUS

Complete General Construction and all subcontractors have met code requirements with respect to pre-qualification, pursuant to relevant sections of Columbus City Code Chapter 329.

7. EMERGENCY DESIGNATION

Emergency designation is requested for this ordinance as the loan award could be jeopardized by further delay, resulting in loss of funding for this project.

8. FISCAL IMPACT

The construction portion of this project is anticipated to be financed with a loan from the Water Pollution Control Loan Fund (WPCLF), a program jointly administered by the Ohio EPA's Division of Environmental and Financial Assistance and the Ohio Water Development Authority (OWDA). City Council authorized this loan application and acceptance of funding via Ordinance 3120-2022, passed by Council on 12/12/22. The loan is expected to be approved in September, 2023. Funds will need to be certified against the Sanitary Sewer Reserve Fund, Fund 6102, to proceed with this project until the loan has been approved.

Funds will need to be appropriated within the Sanitary Sewer Reserve Fund, Fund 6102, transferred to the Sanitary Revolving Loan Fund, Fund 6111, and then appropriated in the Sanitary Revolving Loan Fund, 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 WPCLF and reimburse the Sanitary Sewer Reserve Fund. An amendment to the 2023 Capital Improvement Budget is needed to reflect the loan funding for this project.

Funding in the amount of \$2,000.00 is appropriated and available within the Sanitary Bond Fund, Fund 6109, to pay the Department of Public Service to provide prevailing wage services for this project. An amendment to the 2023 Capital Improvement Budget is necessary to align budget authority with the proper project.

To authorize the Director of Public Utilities to enter into a construction contract with Complete General Construction Company for the Kerr Russell Inflow Redirection project; to authorize an amendment to the 2023 Capital Improvement Budget; to authorize the appropriation and transfer of funds from the Sanitary Sewer Reserve Fund to the Sanitary Revolving Loan Fund; to authorize the appropriation of funds within the Sanitary Revolving Loan Fund; to authorize the expenditure of up to \$6,975,087.14 from the Sanitary Revolving Loan Fund and the Sanitary Bond Fund to pay for the project; to authorize the Director of Public Utilities to increase the amount of the loan from the Ohio Water Pollution Control Loan Fund to fund the construction of this project; and to declare an emergency. (\$6,975,087.14).

WHEREAS, the Department of Public Utilities is engaged in the Public Sanitary Sewers for Kerr Russell Inflow Redirection project; and

WHEREAS, one bid for the Public Sanitary Sewers for Kerr Russell Inflow Redirection project was received and opened on 7/12/23; and

WHEREAS, that bid was evaluated and deemed to be responsive and responsible; and

WHEREAS, Ordinance 3120-2022 authorized this project to be funded by a loan to be obtained through the Water Pollution Control Loan Fund (WPCLF) Loan Account in an amount not to exceed \$5,300,000.00; and

WHEREAS, it is necessary to increase the amount of the WPCLF loan due to higher than expected construction costs;

and

WHEREAS, the 2023 Capital Improvement Budget must be modified to align budget authority with the proper project; and

WHEREAS, it is necessary to both appropriate funds from the Sanitary Sewer Reserve Fund and to authorize the transfer of said funds into the Sanitary Revolving Loan Fund in order to temporarily fund this expenditure, until such time as the City is able to execute a loan for the above stated purpose and reimburse the Sanitary Sewer Reserve Fund; and

WHEREAS, the funds transferred into the Sanitary Revolving Loan Fund must be appropriated; 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 Director of the Department of Public Utilities to enter into a construction contract with Complete General Construction for the Public Sanitary Sewers for Kerr Russell Inflow Redirection project; and

WHEREAS, it is necessary to authorize an expenditure of funds from the Sanitary Revolving Loan Fund to pay for the project; and

WHEREAS, it is necessary to expend funds from the Sanitary Bond Fund to provide for payment of prevailing wage services associated with said project; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately necessary to execute the contract to ensure loan funding is not jeopardized as a result of further delay which would result in a loss of funding for the project, all for the immediate preservation of the public health, peace, property, safety, and welfare; and **now, therefore,**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the 2023 Capital Improvement Budget authorized by Ordinance 1711-2023 be amended as follows to establish sufficient budget authority for this project:

Fund / Project Number / Project Name (Funding Source) / Current Authority/ Revised Authority / Change
6111 / 650790-113180 / Kerr Russell Inflow Redirection (WPCLF/OWDA Loan) / \$4,389,587.00 / \$6,973,087.00 / \$2,583,500.00 (To match the loan amount)

6109 / 650790 - 100000 / Inflow Redirection - Noble & 4th St (Voted Sanitary Carryover) / \$50,000.00 / \$48,000.00 / (\$2,000.00)

6109 / 650790-113180 / Kerr Russell Inflow Redirection (Voted Sanitary Carryover) / \$725,136.00 / \$2,000.00 / \$727,136.00

SECTION 2. That from the unappropriated monies 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, 2023, the sum of \$6,973,087.14 is appropriated in the Sanitary Reserve Fund, Fund 6102, per the account codes in the attachment to this ordinance.

SECTION 3. That the transfer of \$6,973,087.14, or so much thereof as may be needed, is hereby authorized between the Sanitary Reserve Fund, Fund 6102, and the Sanitary Revolving Loan Fund, Fund 6111, per the account codes in the attachment to this ordinance.

SECTION 4. That the appropriation of \$6,973,087.14, or so much thereof as may be needed, is hereby authorized in the Sanitary Revolving Loan Fund, Fund 6111, per the accounting codes in the attachment to this ordinance.

SECTION 5. That the Director of Public Utilities is hereby authorized to enter into a construction contract for the Public Sanitary Sewers for the Kerr Russell Inflow Redirection project with Complete General Construction, 1221 East Fifth Avenue, Columbus, Ohio 43219, in an amount up to \$6,973,087.14; in accordance with the terms and conditions of the contract on file in the Department of Public Utilities; and to obtain the necessary construction administration and inspection services for this project from the Department of Public Service in an amount up to \$2,000.00.

SECTION 6. That the expenditure of \$6,975,087.14, or so much thereof as may be needed, is hereby authorized to pay for this contract per the accounting codes in the attachment to this ordinance.

SECTION 7. That upon obtaining other funds for the purpose of funding sewer system capital improvement work, the City Auditor is hereby authorized to repay the Sanitary System Reserve Fund, Fund 6102, the amount transferred above (Section 3), and said funds are hereby deemed appropriated for such purposes.

SECTION 8. 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 \$6,973,087.14 (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 Sanitary Reserve Fund, Fund 6102, which is the fund from which the advance for costs of the Project will be made.

SECTION 9. That City Council approves increasing the amount of a loan from the Ohio Water Pollution Control Loan Fund to fund construction for this project from a maximum of \$5,300,000.00 to a maximum of \$7,000,000.00.

SECTION 10. Funds are hereby deemed appropriated and expenditures and transfers authorized to carry out the purposes of this ordinance and the City Auditor shall establish such accounting codes as necessary.

SECTION 11. 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 12. That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account 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.

SECTION 13. That for the reasons stated in the preamble hereto, which is made a part hereof, this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten (10) days after passage if the Mayor neither approves nor vetoes this Ordinance.