



## Legislation Details (With Text)

**File #:** 0431-2024      **Version:** 1

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

**File created:** 2/1/2024      **In control:** Public Utilities & Sustainability Committee

**On agenda:** 3/18/2024      **Final action:** 3/21/2024

**Title:** To authorize the Director of Public Utilities to enter into a construction contract with Danbert, Inc., for the Blueprint 5th Ave by Northwest - Northwest - Sunrise/Glenn, Sunrise Glenn Water Line Improvements, and Eastview and Elmwood Sidewalks projects; 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, and from the Water Reserve Fund to the Water-Fresh Water Market Rate Fund; to authorize the appropriation of funds within the Sanitary Revolving Loan Fund and within the Water-Fresh Water Market Rate Fund; to authorize the expenditure of up to \$7,972,070.86 from the Sanitary Revolving Loan Fund, the Sanitary Bond Fund, the Water-Fresh Water Market Rate Fund, and the Streets and Highways Bond Fund to pay for the project; and to declare an emergency. (\$7,972,070.86)

**Sponsors:**

**Indexes:** MBE Participation, WBE Participation

**Code sections:**

**Attachments:** 1. ORD 0431-2024 Accounting Template, 2. ORD 0431-2024 Utilization - Total

Date	Ver.	Action By	Action	Result
3/21/2024	1	CITY CLERK	Attest	
3/20/2024	1	MAYOR	Signed	
3/18/2024	1	COUNCIL PRESIDENT	Signed	
3/18/2024	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

This ordinance authorizes the Director of Public Utilities to enter into a construction contract with Danbert, Inc., for public sanitary sewers for the Blueprint 5th Ave by Northwest - Northwest - Sunrise/Glenn, Sunrise Glenn Water Line Improvements, Eastview and Elmwood Sidewalks project, CIP #650870-109151, 690236-100118, & 440005-100044, in an amount up to \$7,970,070.86; to encumber funds with the Department of Public Service for construction administration services in an amount up to \$2,000.00, for a total expenditure of \$7,972,070.86.

This project will construct approximately fifty rain gardens and storm sewers within the Right-of-Way, relocate waterlines, perform pavement and sidewalk restoration, and other such work as may be necessary to complete the contract.

The Community Area for this ordinance will be “42”, 5th by Northwest.

**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. Final Acceptance shall be achieved within 720 days of NTP.

**ESTIMATED COST OF PROJECT:** The bid amount and proposed award amount is \$7,970,070.86, including a 15% 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	\$7,970,070.86
Future Anticipated Needs	\$0.00
Prevailing Wage Services	<u>\$2,000.00</u>
TOTAL	\$7,972,070.86

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

This project is being completed as part of the City's Blueprint Columbus program. This project will construct various types of green infrastructure throughout the neighborhood which will provide a higher water quality within the region by treating the surface runoff before it discharges to the waterways.

Community outreach has been conducted throughout all phases of design via public meetings, distribution of literature, and identification of the location/limits of the proposed work via field markings and signage.

## **3. CONSTRUCTION CONTRACT AWARD**

An Invitation for Bids for the Public Sanitary Sewers for Blueprint 5th Ave by Northwest - Northwest - Sunrise/Glenn, Sunrise Glenn Water Line Improvements, Eastview and Elmwood Sidewalks project was advertised on the Vendor Services and Bid Express websites from 08/17/23 through 09/07/23. Four bids were received for the project and were opened on 09/07/23. The following companies submitted a bid:

<b><u>Company</u></b>	<b><u>Bid Amount</u></b>	<b><u>Compliance Number</u></b>	<b><u>ODI Status</u></b>
1. Ironsite, Inc.	\$ 7,938,993.34	CC005926	EBE
2. Danbert, Inc.	\$ 7,970,070.86	CC004618	MAJ
3. Complete General Construction	\$9,323,561.57	CC006056	MAJ
4. Trucco Construction Company	\$12,947,086.05	CC004988	MAJ

The Ironsite, Inc. bid was deemed non-responsive due to not meeting the City's MBE/WBE goal and submitting a Good Faith Effort that was not scored high enough to be deemed acceptable. The Danbert, Inc. bid was deemed the lowest, best, most responsive and responsible bid in the amount of \$7,970,070.86.

The certification of Danbert, Inc. was in good standing at the time the bid was awarded.

## **4. CONTRACT COMPLIANCE INFORMATION**

Danbert, Inc.'s contract compliance number is CC004618 and expires 1/18/26.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Danbert, Inc.

## **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 12% 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 12% 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.

Danbert, Inc. listed the following companies as subcontractors for this project:

<b><u>Company Name</u></b>	<b><u>City/State</u></b>	<b><u>ODI Certification Status</u></b>
Columbus Asphalt Paving	Columbus, Ohio	WBE

Russell Tree Experts LTD	Westerville, Ohio	MAJ
Decker Construction Company	Columbus, Ohio	MAJ
4K Landscape LLC	Dublin, Ohio	MAJ
The Paul Peterson Company	Columbus, Ohio	MAJ
Garcia Surveyors, Inc.	Columbus, Ohio	MBE
McCoy Piping Services	Columbus, Ohio	MAJ
CLB Trucking, Inc	Westerville, Ohio	MBE
J.S.T. Enterprises LLC	Bexley, Ohio	WBE

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

## **6. PRE-QUALIFICATION STATUS**

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

## **7. FISCAL IMPACT**

### **Division of Sewerage and Drainage Construction Funding**

The Division of Sewerage and Drainage (DOSD) construction portion of this project (CIP #650870-109151) 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 2767-2023, passed by Council on 10/30/2023. The loan is expected to be approved in March, 2024.

A transfer of funds from the Sanitary Reserve Fund, Fund 6102, to the Sanitary Revolving Loan Fund, Fund 6111, in the amount of \$7,200,409.35 is needed to fund the sanitary sewer portion of this project. This transaction is a temporary measure that is required until a loan is executed with the Ohio EPA to reimburse the Sanitary Sewer Reserve Fund. These funds will also need to be appropriated to be transferred and then appropriated after transfer to the new fund. An amendment to the 2023 Capital Improvement Budget is needed to align budget authority with the proper project.

### **Division of Water Construction Funding**

The Division of Water (DOW) construction portion of this project (CIP #690236-100118) is anticipated to be financed with a loan from the Ohio Water Development Authority (OWDA) Direct Loan Program. City Council authorized this loan application and acceptance of loan funding via Ordinance 0997-2023, passed by Council on 4/24/23. This DOW project is not listed as a project anticipated to be funded through this loan program in Ordinance 0997-2023. Section 2 of the Ordinance allows the Director of the Department of Public Utilities to add projects to the list per departmental need. The loan is expected to be approved in March, 2024.

The OWDA Direct Loan Program is a reimbursement program. A purchase order will need to be established to Danbert Inc. for this contract. Public Utilities will need to pay invoices received for the construction directly to Danbert Inc. and then submit reimbursement requests based upon these paid invoices to OWDA for OWDA to reimburse Public Utilities.

A transfer of funds from the Water Reserve Fund, Fund 6003, to the Water-Fresh Water Market Rate Fund, Fund 6014, in the amount of \$690,067.41 is needed to fund construction for the water portion of the project. This transaction is a temporary measure that is required until a loan is executed with OWDA to reimburse the Water Reserve Fund. These funds will also need to be appropriated to be transferred and then appropriated after transfer to the new fund. An amendment to the 2023 Capital Improvement Budget is needed to align budget authority with the proper project.

### **Department of Development Construction Funding**

Funding in the amount of \$79,594.10 is appropriated and available within the Streets and Highways Bond Fund, Fund 7704, to pay for the Department of Development's Eastview and Elmwood Sidewalks project, CIP #440005-102235. An amendment to the 2023 Capital Improvement Budget is necessary to align budget authority with the proper project.

### **Construction Administration Funding**

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.

## **8. EMERGENCY DESIGNATION**

Emergency designation is requested for this ordinance. Per the bid documents, a Notice To Proceed (NTP) was estimated to be issued in December of 2023. Delays caused in awarding the bid due to the length of time it took to resolve bidder issues concerning the City MBE/WBE goal is pushing the NTP date months past December, subjecting the City to possible delay charges that can accumulate as additional time goes by without an NTP.

To authorize the Director of Public Utilities to enter into a construction contract with Danbert, Inc., for the Blueprint 5th Ave by Northwest - Northwest - Sunrise/Glenn, Sunrise Glenn Water Line Improvements, and Eastview and Elmwood Sidewalks projects; 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, and from the Water Reserve Fund to the Water-Fresh Water Market Rate Fund; to authorize the appropriation of funds within the Sanitary Revolving Loan Fund and within the Water-Fresh Water Market Rate Fund; to authorize the expenditure of up to \$7,972,070.86 from the Sanitary Revolving Loan Fund, the Sanitary Bond Fund, the Water-Fresh Water Market Rate Fund, and the Streets and Highways Bond Fund to pay for the project; and to declare an emergency. (\$7,972,070.86)

**WHEREAS**, the Department of Public Utilities is engaged in the Blueprint 5th Ave by Northwest - Northwest - Sunrise/Glenn, Sunrise Glenn Water Line Improvements, and Eastview and Elmwood Sidewalks project; and

**WHEREAS**, bids for the Blueprint 5th Ave by Northwest - Northwest - Sunrise/Glenn, Sunrise Glenn Water Line Improvements, and Eastview and Elmwood Sidewalks project were received and opened on 9/7/23; and

**WHEREAS**, the lowest, best, most responsive and responsible bid was from Danbert, Inc.; and

**WHEREAS**, Ordinance 2767-2023 authorized the sewer work on this project to be funded by a loan to be obtained through the Water Pollution Control Loan Fund (WPCLF); and

**WHEREAS**, Ordinance 0997-2023 authorized the water work on this project to be funded by a loan to be obtained through the Ohio Water Development Authority (OWDA) Direct Loan Program; 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**, it is necessary to both appropriate funds from the Water Reserve Fund and to authorize the transfer of said funds into the Water-Fresh Water Market Rate 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 Water Reserve Fund; and

**WHEREAS**, the funds transferred into the Sanitary Revolving Loan Fund and into the Water-Fresh Water Market Rate 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 Danbert, Inc. for the Blueprint 5th Ave by Northwest - Northwest - Sunrise/Glenn, Sunrise Glenn Water Line Improvements, and Eastview and Elmwood Sidewalks project; and

**WHEREAS**, it is necessary to authorize an expenditure of funds from the Sanitary Revolving Loan Fund, the Water-Fresh Water Market Rate Fund, the Sanitary Bond Fund, and the Streets and Highways Bond Fund to pay for the 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 as per the bid documents a Notice To Proceed (NTP) was estimated to be issued in December of 2023, and delays caused in awarding the bid due to the length of time it took to resolve bidder issues concerning the City MBE/WBE goal is pushing the NTP date months past December, subjecting the City to possible delay charges that can accumulate as additional time goes by without an NTP; thereby preserving 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 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 / 650870-109151 / Blueprint 5th Ave by Northwest - Northwest - Sunrise/Glenn (WPCLF/OWDA Loan) / \$6,500,000.00 / \$7,200,409.00 / \$700,409.00 (To match the loan amount)

6014 / 690236-100118 / Sunrise Glenn WL Imp's (OWDA Direct Loan) / \$0.00 / \$690,067.00 / \$690,067.00 (To match the loan amount)

6109 / 650870-101201 / Blueprint Miller Kelton - Newton/Bedford (Voted Sanitary Carryover) / \$216,000.00 / \$214,000.00 / (\$2,000.00)

6109 / 650870-109151 / Blueprint 5th Ave by Northwest - Northwest - Sunrise/Glenn (Voted Sanitary Carryover) / \$1,637,902.00 / \$1,639,902.00 / \$2,000.00

7704 / 440005-100044 / UIRF - Northeast Dawnlight Curbs and Sidewalks (Voted Carryover) / \$10,433.00 / \$0.00 / (\$10,433.00)

7704 / 440005-100061 / UIRF - 2015 Brick Repair (Voted Carryover) / \$11,169.00 / \$0.00 / (\$11,169.00)

7704 / 440005-102094 / UIRF - Agler Road Sidewalks (Voted Carryover) / \$4,455.00 / \$0.00 / (\$4,455.00)

7704 / 440005-101955 / UIRF - Clintonville North-South Bike Route (Voted Carryover) / \$83,709.00 / \$30,172.00 / (\$53,537.00)

7704 / 440005-102235 / Eastview and Elmwood Sidewalks (Voted Carryover) / \$0.00 / \$79,594.00 / \$79,594.00

**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, 2024, the sum of \$7,200,409.35 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 \$7,200,409.35, 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 \$7,200,409.35, 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 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, 2024, the sum of \$690,067.41 is appropriated in the Water Reserve Fund, Fund 6003, per the account codes in the attachment to this

ordinance.

**SECTION 6.** That the transfer of \$690,067.41, or so much thereof as may be needed, is hereby authorized between the Water Reserve Fund, Fund 6003, and the Water-Fresh Water Market Rate Fund, Fund 6014, per the account codes in the attachment to this ordinance.

**SECTION 7.** That the appropriation of \$690,067.41, or so much thereof as may be needed, is hereby authorized in the Water-Fresh Water Market Rate Fund, Fund 6014, per the accounting codes in the attachment to this ordinance.

**SECTION 8.** That the Director of Public Utilities is hereby authorized to enter into a construction contract for the Blueprint 5th Ave by Northwest - Northwest - Sunrise/Glenn, Sunrise Glenn Water Line Improvements, and Eastview and Elmwood Sidewalks project with Danbert, Inc., 8077 Memorial Drive, Plain City, OH, 43064, in an amount up to \$7,970,070.86; 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 services for this project from the Department of Public Services in an amount up to \$2,000.00.

**SECTION 9.** That the expenditure of \$7,972,070.86, 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 10.** 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 11.** That upon obtaining other funds for the purpose of funding water system capital improvement work, the City Auditor is hereby authorized to repay the Water System Reserve Fund, Fund 6003, the amount transferred above (Section 6), 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 \$7,970,070.86 (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, and the Water Reserve Fund, Fund 6003, which are the funds from which the advance for costs of the Project will be made.

**SECTION 13.** 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 14.** 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 15.** 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 16.** 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 the same.