



## Legislation Details (With Text)

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|-----------------------|---|----------------------|---|
| <b>File #:</b>        | 0527-2024   | <b>Version:</b>      | 1   |
| <b>Type:</b>          | Ordinance   | <b>Status:</b>       | Passed                                      |
| <b>File created:</b>  | 2/12/2024   | <b>In control:</b>   | Public Utilities & Sustainability Committee |
| <b>On agenda:</b>     | 3/25/2024   | <b>Final action:</b> | 3/27/2024                                   |
| <b>Title:</b>         | To authorize the Director of Public Utilities to enter into a construction contract with Elite Excavating Company of Ohio, Inc., for the Elizabeth Avenue Area Water Line Improvements project; to amend the 2023 Capital Improvements Budget; to authorize the appropriation and transfer of funds from the Water System Reserve Fund to the Water Supply Revolving Loan Account Fund; to authorize the appropriation and expenditure of up to \$4,327,985.75 from the Water Supply Revolving Loan Account Fund for the contract; and to authorize the expenditure of up to \$2,000.00 from the Water Bond Fund to pay for construction administration and inspection expenses for the project. (\$4,329,985.75) |                      |   |
| <b>Sponsors:</b>      |   |                      |   |
| <b>Indexes:</b>       | MBE Participation, WBE Participation  |                      |   |
| <b>Code sections:</b> |   |                      |   |
| <b>Attachments:</b>   | 1. ORD 0527-2024 Vicinity Map (Elizabeth).pdf, 2. ORD 0527-2024 Utilization Reporting Form.pdf, 3. ORD 0527-2024 Accounting Template, 4. CAP Ohio Reg.PDF, 5. ORD 0527-2024 Stone Environmental.PDF, 6. ORD 0527-2024 CAP Ohio Reg.PDF  |                      |   |

| Date      | Ver. | Action By             | Action                  | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 3/27/2024 | 1    | CITY CLERK            | Attest                  |        |
| 3/26/2024 | 1    | MAYOR                 | Signed                  |        |
| 3/25/2024 | 1    | COUNCIL PRESIDENT     | Signed                  |        |
| 3/25/2024 | 1    | Columbus City Council | Approved                | Pass   |
| 3/18/2024 | 1    | Columbus City Council | Read for the First Time |        |

### 1. BACKGROUND

This ordinance authorizes the Director of Public Utilities to enter into a construction contract with Elite Excavating Company of Ohio, Inc., for the Elizabeth Avenue Area Water Line Improvements, CIP #690236-100132, in an amount up to \$4,327,985.75, and 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 \$4,329,985.75.

The work consists of rehabilitating approximately 9,500 linear feet of 6-inch and 8-inch water mains, service transfer work and other such work as may be necessary to complete the contract, in accordance with the drawings, technical specifications, special provisions, and City of Columbus Construction and Material Specifications as set forth in the Invitation For Bid (IFB).

The Columbus Community is “57 - Mid-East Area” and includes the following streets: Elizabeth Ave, Brownlee Ave, Brookway Road, Aven Drive, Scottwood Road, Kirkwood Road, Talisman Court, and Burnaby Drive.

### TIMELINE:

All work shall be complete within 365 calendar days from the Notice to Proceed. The City anticipates issuing a Notice to Proceed in April 2024.

### ESTIMATED COST OF PROJECT:

The bid amount and proposed award amount is \$4,327,985.75, including a 10% 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                  | \$ 4,327,985.75 |                 |
| Future Anticipated Needs           | \$ 0.00         |                 |
| CONTRACT TOTAL                     | \$ 4,327,985.75 |                 |
| DPS Prevailing Wage Administration | \$ 2,000.00     |                 |
|                                    |                 | \$ 4,329,985.75 |

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

The goal of this project is to replace or rehabilitate the existing water lines that have a high break frequency. Replacement of these water lines will improve water service, decrease burden on water maintenance operations, and reduce water loss. The Neighborhood Liaison(s) has been contacted and informed of this project during the design phase. Further community outreach may result through the Neighborhood Liaison Program.

## 3. CONSTRUCTION CONTRACT AWARD

An Invitation for Bids for the Elizabeth Avenue Area Water Line Improvements project was advertised on the Vendor Services and Bid Express websites from December 21, 2023 through January 24, 2024. Six bids were received for the project and opened on January 24, 2024. The following companies submitted bids:

| <u>Company</u>                     | <u>Bid Amount</u> | <u>Compliance Number</u> | <u>ODI</u> |
|------------------------------------|-------------------|--------------------------|------------|
| <u>Status</u>                      |                   |                          |            |
| Elite Excavating Co. of Ohio, Inc. | \$ 4,327,985.75   | CC001064                 | MAJ        |
| Underground Utilities              | \$ 4,463,500.30   |                          | CC006588   |
| MAJ                                |                   |                          |            |
| Shelly & Sands, Inc.               | \$ 4,660,961.36   |                          | CC006043   |
| MAJ                                |                   |                          |            |
| JLD Construction                   | \$ 4,758,409.70   |                          | CC041179   |
| MBE                                |                   |                          |            |
| Danbert, Inc.                      | \$ 4,948,560.83   |                          | CC004618   |
| MAJ                                |                   |                          |            |
| Boss Excavating (not prequalified) | \$ 3,940,066.90   |                          | CC002600   |
| MAJ                                |                   |                          |            |

Boss Excavating was found to not be construction prequalified by the City and was disqualified.

The Elite Excavating Company of Ohio, Inc.'s bid was deemed the lowest, best, most responsive and responsible bid in the amount of \$4,327,985.75.

The certification of Elite Excavating Company of Ohio, Inc. was in good standing at the time the bid was awarded.

## 4. CONTRACT COMPLIANCE INFORMATION

Elite Excavating Company of Ohio, Inc.'s contract compliance number is CC001064 and expires 12/6/25.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Elite Excavating Co. of Ohio, Inc. or their subcontractors.

## 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). The MBE/WBE program goal has been met by the use of MBE/WBE subcontractors. 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.

As part of their proposal, Elite Excavating Company of Ohio, Inc., has proposed the following subcontractors to perform contract work:

| <u>Company Name</u>                         | <u>City/State</u> | <u>ODI Certification Status</u> |
|---|-------------------|---------------------------------|
| Stone Environmental Engineering and Science | Columbus, Ohio    | WBE                             |
| Oberlanders Tree & Landscape, Ltd.          |                   | Bucyrus, Ohio                   |
| MAJ   |                   |                                 |
| 4K Landscape LLC                            |                   | Dublin, Ohio                    |
| MAJ   |                   |                                 |
| Bridges Bros. Trucking, LLC                 |                   | Columbus, Ohio                  |
| MBE   |                   |                                 |

The certification of Elite Excavating Company of Ohio, Inc., and all proposed subcontractors were in good standing at the time the bid was awarded.

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

Elite Excavating Company of Ohio, 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**

The construction portion of this project is anticipated to be financed with a loan from the Water Supply Revolving Loan Account (WSRLA), 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 0944-2023, passed by Council on April 24, 2023. The loan is expected to be approved in March, 2024.

A transfer of funds from the Water System Reserve Fund, Fund 6003, to the Water Supply Revolving Loan Account Fund, Fund 6011, in the amount of \$4,327,985.75 is needed to fund construction for this project. This transaction is a temporary measure that is required until a loan is executed with the Ohio EPA to reimburse the Water System 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.

Funds in the amount of \$2,000.00 are available within the Water Bond Fund, Fund 6006 to pay the Department of Public Service to perform construction administration for the project. These funds are appropriated.

To authorize the Director of Public Utilities to enter into a construction contract with Elite Excavating Company of Ohio, Inc., for the Elizabeth Avenue Area Water Line Improvements project; to amend the 2023 Capital Improvements Budget; to authorize the appropriation and transfer of funds from the Water System Reserve Fund to the Water Supply Revolving Loan Account Fund; to authorize the appropriation and expenditure of up to \$4,327,985.75 from the Water Supply Revolving Loan Account Fund for the contract; and to authorize the expenditure of up to \$2,000.00 from the Water Bond Fund to pay for construction administration and inspection expenses for the project. (\$4,329,985.75)

**WHEREAS**, the Department of Public Utilities is engaged in the Elizabeth Avenue Area Water Line Improvements project; and

**WHEREAS**, six bids for the Elizabeth Avenue Area Water Line Improvements project were received and opened on January 24, 2024; and

**WHEREAS**, the lowest, best, most responsive and responsible bid was from Elite Excavating Company of Ohio, Inc.; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to enter into a construction contract with Elite Excavating Company of Ohio, Inc. for the Elizabeth Avenue Area Water Line Improvements project; and

**WHEREAS**, Ordinance 0944-2023, passed April 24, 2023 authorized this project to be funded by a loan to be obtained through the Water Supply Revolving Loan Account (WSRLA) Loan Agreements in an amount not to exceed \$5,000,000.00; 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 and transfer funds from the Water System Reserve Fund to the Water Supply Revolving Loan Account 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 appropriate and expend funds from the Water Supply Revolving Loan Account Fund to pay for the construction of this project; and

**WHEREAS**, it is necessary to expend funds from the Water Bond Fund to pay the Department of Public Service for prevailing wage services for this project; **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**  
6011 / 690236-100132 / Elizabeth Ave Area WL Imps (WSRLA Loan) / \$3,500,000.00 / \$4,327,986.00 / \$827,986.00 (To match the loan amount)

**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 \$4,327,985.75 is appropriated in the Water System Reserve Fund, Fund 6003, per the account codes in the funding attachment to this ordinance.

**SECTION 3.** That the transfer of \$4,327,985.75 or so much thereof as may be needed, is hereby authorized between the Water System Reserve Fund, Fund 6003, and the Water Supply Revolving Loan Account Fund, Fund 6011, per the accounting codes in the attachment to this ordinance.

**SECTION 4.** 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 \$4,327,985.75 is appropriated in the Water Supply Revolving Loan Account Fund, Fund 6011, per the account codes in the funding attachment to this ordinance.

**SECTION 5.** That the Director of Public Utilities is hereby authorized to enter into a construction contract for the Elizabeth Avenue Area Water Line Improvements project with Elite Excavating Company of Ohio, Inc., 4500 Snodgrass Rd., Mansfield, OH 44903, in an amount up to \$4,327,985.75; 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 Services in an amount up to \$2,000.00.

**SECTION 6.** That the expenditure of \$4,329,985.75, 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 water system capital improvement work, the City Auditor is hereby authorized to repay the Water System Reserve Fund 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 \$4,327,985.75 (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 Water System Reserve Fund, Fund 6003, which is the fund from which the advance for costs of the Project will be made.

**SECTION 9.** 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 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 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 12.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.