



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 3/11/2024 **In control:** Public Utilities & Sustainability Committee

On agenda: 4/15/2024 **Final action:** 4/19/2024

Title: To authorize the Director of the Department of Public Utilities to enter into a construction contract with Complete General Construction Company for the Noble and Fourth 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 \$2,170,782.20 from the Sanitary Revolving Loan Fund and the Sanitary Bond Fund to pay for the project; and to declare an emergency. (\$2,170,782.20).

Sponsors:

Indexes: MBE Participation, WBE Participation

Code sections:

Attachments: 1. ORD 0791-2024 Utilization, 2. ORD 0791-2024 Accounting Template

Date	Ver.	Action By	Action	Result
4/19/2024	1	CITY CLERK	Attest	
4/18/2024	1	MAYOR	Signed	
4/15/2024	1	COUNCIL PRESIDENT	Signed	
4/15/2024	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 Noble and Fourth Inflow Redirection project, CIP #650790-100000, in an amount up to \$2,168,782.20; 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 \$2,170,782.20).

This contract is for the redirection of public sources of inflow of six acres of the Noble / 4th sewer shed. In order to facilitate the redirection of the inflow, this contract includes the construction of 502 feet of 10-inch sanitary sewer along Noble Street between 5th Street and 4th Street. The new 10-inch sanitary sewer will connect to an existing 72-inch combined sewer at the intersection of Noble and 4th. This project will also repurpose the existing 24-inch combined sewer on Noble Street to a dedicated storm sewer by abandoning CSO 510, diverting all flows to the storm 72" storm sewer. By separating the storm and sanitary sewer, the flows in the sanitary can be relieved to reduce overflows into the storm sewer. The project will reduce inflow and infiltration to the City's sanitary sewer system thus mitigating sanitary sewer overflows to basements and waterways.

The City of Columbus and the State of Ohio entered into a consent order in August of 2002 to resolve sanitary sewer overflow (SSO) related concerns for the City's sanitary sewer system. The consent order requires the City to develop and implement a program to provide adequate capacity in the collection system, taking all feasible steps to address SSO's. This is one of the projects implemented to comply with the consent order. The improvements must be completed by July 1, 2025, to comply with the consent order.

The Community Area for this ordinance will be 55, Downtown.

TIMELINE: Sanitary work is to be substantially complete within 240 calendar days of the Notice to Proceed. All work, including sanitary sewer and storm sewer work, is to be substantially complete within 365 calendar days of the Notice to Proceed with final completion to occur within 425 calendar days from the issuance of the Notice to Proceed.

ESTIMATED COST OF PROJECT: The bid amount and proposed award amount is \$2,168,782.20, 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	\$2,168,782.20
Future Anticipated Needs	\$0.00
Prevailing Wage Services	<u>\$2,000.00</u>
CONTRACT TOTAL	\$2,170,782.20

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

This project will install new sanitary sewer and repurpose the existing combined sewer to a dedicated storm sewer. By separating the storm and sanitary sewer, the flows in the sanitary can be relieved to reduce overflows into the storm sewer. The project will reduce inflow and infiltration to the City's sanitary sewer system thus mitigating sanitary sewer overflows to basements and waterways. The project will also provide improvement to existing storm infrastructure.

3. CONSTRUCTION CONTRACT AWARD

An Invitation for Bids for the Public Sanitary Sewers for Noble and Fourth Inflow Redirection project was advertised on the Vendor Services and Bid Express websites from 12/22/23 through 01/24/24. One bid was received for the project and opened on 01/24/24. The following company submitted a bid:

<u>Company</u>	<u>Bid Amount</u>	<u>Compliance Number</u>	<u>ODI Status</u>
Complete General Construction Company	\$2,168,782.20	CC006056	MAJ

The Complete General Construction Company bid was deemed the lowest, best, most responsive and responsible bid in the amount of \$2,168,782.20.

4. CONTRACT COMPLIANCE INFORMATION

Complete General Construction Company'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 Company

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 Company listed the following companies as subcontractors for this project:

<u>Company Name</u>	<u>City/State</u>	<u>ODI Certification Status</u>
Visu-Sewer of Ohio LLC	Reynoldsburg, Ohio	MAJ
CAP-Stone & Associates, Inc.	Columbus, Ohio	WBE

Decorative Paving Company
Bridges Bros. Trucking L.L.C.

Norwalk, Ohio
Columbus, Ohio

MAJ
MBE

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

6. PRE-QUALIFICATION STATUS

Complete General Construction Company 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 action is requested to keep construction of the project on schedule to allow construction to be completed by the consent order deadline of July 1, 2025.

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 2767-2023, passed by Council on 10/30/23. The loan is expected to be approved in April, 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.

To authorize the Director of the Department of Public Utilities to enter into a construction contract with Complete General Construction Company for the Noble and Fourth 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 \$2,170,782.20 from the Sanitary Revolving Loan Fund and the Sanitary Bond Fund to pay for the project; and to declare an emergency. (\$2,170,782.20).

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

WHEREAS, one bid for the Noble and Fourth Inflow Redirection project was received and opened on 01/24/24; and

WHEREAS, the lowest, best, most responsive and responsible bid was from Complete General Construction Company; and

WHEREAS, Ordinance 2767-2023 authorized this project to be funded by a loan to be obtained through the Water Pollution Control Loan Fund (WPCLF) Loan Account; 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 Company for the Public Sanitary Sewers for Noble and Fourth 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 construction contract to keep construction of the project on schedule to allow construction to be completed by the consent order deadline of July 1, 2025, thereby preserving the public health, peace, property, and safety; **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 / 650790-100000 / Inflow Redirection - Noble & 4th St (WPCLF/OWDA Loan) / \$500,000.00 / \$2,168,782.00 / \$1,668,782.00 (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 \$2,168,782.20 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 \$2,168,782.20, 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 \$2,168,782.20, 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 the Department of Public Utilities is hereby authorized to enter into a construction contract for the Noble and Fourth Inflow Redirection project with Complete General Construction Company, 1221 East Fifth Avenue, Columbus, Ohio 43219, in an amount up to \$2,168,782.20; 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 \$2,170,782.20, 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 \$2,168,782.20 (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 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 for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby 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 days after passage if the Mayor neither approves nor vetoes the same.