



## Legislation Details (With Text)

**File #:** 0955-2024      **Version:** 1

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

**File created:** 3/27/2024      **In control:** Public Utilities & Sustainability Committee

**On agenda:** 5/6/2024      **Final action:** 5/9/2024

**Title:** To authorize the Director of Public Utilities to enter into a construction contract with General Temperature Control, Incorporated, for the Southerly Waste Water Treatment Plant East Aeration Control Building HVAC and Air Purification 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; and to authorize the expenditure of up to \$7,585,290.00 from the Sanitary Revolving Loan Fund and the Sanitary Bond Fund to pay for the project. (\$7,585,290.00).

**Sponsors:**

**Indexes:** EBE Participation, MBE Participation, VBE Participation, WBE Participation

**Code sections:**

**Attachments:** 1. ORD 0955-2024 Utilization, 2. ORD 0955-2024 Accounting Template

Date	Ver.	Action By	Action	Result
5/9/2024	1	ACTING CITY CLERK	Attest	
5/7/2024	1	MAYOR	Signed	
5/6/2024	1	COUNCIL PRESIDENT	Signed	
5/6/2024	1	Columbus City Council	Approved	Pass
4/29/2024	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 General Temperature Control, Incorporated, for the Southerly Waste Water Treatment Plant EAC HVAC and Air Purification project, CIP #650372-100000, in an amount up to \$7,583,290.00; and to encumber funds with the Department of Public Service for prevailing wage services in an amount up to \$2,000.00, for a total expenditure of \$7,585,290.00.

The HVAC & Air Purification Units in the Southerly Waste Water Treatment Plant (WWTP) East Aeration Building are approaching the end of their useful life and are becoming increasingly difficult to repair and maintain. Furthermore, the current configuration is inefficient and overly complex. The project consists of installing a new HVAC and air purification system according to the detailed plans and specifications set forth by the design engineer. This includes making necessary structural modifications to facilitate the system's installation, ensuring compliance with contemporary building standards, and integrating the system seamlessly with the facility's current Supervisory Control and Data Acquisition (SCADA) system, with the objective of achieving an upgraded, efficient, and fully functional system.

The Community Area for this ordinance will be 64, Far South.

**TIMELINE:** Contract work is required to be completed in a manner acceptable to the City within 365 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 \$7,583,290.00, 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	\$7,583,290.00
Future Anticipated Needs	\$ 0.00
Prevailing Wage Services	\$ 2,000.00
CONTRACT TOTAL	\$7,585,290.00

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

This project is necessary for replacement of failing HVAC and Air Purification systems at our facility. Environmental benefits will likely be inherent in the project, because newly designed units will be more energy efficient. No community outreach or input is believed to be necessary.

## **3. CONSTRUCTION CONTRACT AWARD**

An Invitation for Bids for the Southerly WWTP EAC HVAC and Air Purification project was advertised on the Vendor Services and Bid Express websites from 1/16/24 through 2/14/24. One bid was received for the project and was opened on 2/14/24. The following company 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>
General Temperature Control, Incorporated	\$7,583,290.00	CC004830	MAJ

The General Temperature Control, Incorporated bid was deemed the lowest, best, most responsive and responsible bid in the amount of \$7,583,290.00.

The certification of General Temperature Control, Incorporated was in good standing at the time the bid was awarded.

## **4. CONTRACT COMPLIANCE INFORMATION**

General Temperature Control, Incorporated's contract compliance number is CC004830 and expires 3/18/26.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against General Temperature Control, Incorporated.

## **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 15% 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 15% 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. General Temperature Control, Incorporated anticipates using City-certified MBE/WBE companies for \$3,332,088.00, or 43.9% of the contract dollars.

General Temperature Control, Incorporated 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>
Capital City Electric, Inc.	New Albany, Ohio	MAJ
Good Home Maintenance, Inc.	Columbus, Ohio	VBE
Johnson Controls Fire Protection LP	Dublin, Ohio	MAJ
K & W Roofing, Inc.	Pataskala, Ohio	WBE
Approved Components & Systems, Inc.	Marysville, Ohio	EBE
Lawhon & Associates, Inc.	Columbus, Ohio	WBE
Hina Environmental Solutions Inc.	Columbus, Ohio	MBE

The certification of General Temperature Control, Incorporated and the above companies was in good standing at the time the bid was awarded.

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

General Temperature Control, Incorporated 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 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 May, 2024. 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 General Temperature Control, Incorporated, for the Southerly Waste Water Treatment Plant East Aeration Control Building HVAC and Air Purification 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; and to authorize the expenditure of up to \$7,585,290.00 from the Sanitary Revolving Loan Fund and the Sanitary Bond Fund to pay for the project. (\$7,585,290.00).

**WHEREAS**, the Department of Public Utilities is engaged in the Southerly WWTP EAC HVAC and Air Purification project; and

**WHEREAS**, one bid for the Public Sanitary Sewers for Southerly WWTP EAC HVAC and Air Purification project was received and opened on 2/14/24; and

**WHEREAS**, the lowest, best, most responsive and responsible bid was from General Temperature Control, Incorporated; 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); 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 General Temperature Control, Incorporated for the Public Sanitary Sewers for Southerly WWTP EAC HVAC and Air Purification 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 transfer and expend funds within the Sanitary Bond Fund to provide for payment of prevailing wage services associated with said 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**

6111 / P650372-100000 / Southerly WWTP EAC HVAC and Air Purification (WPCLF/OWDA Loan) / \$4,014,062.00 / \$3,569,228.00 / \$7,583,290.00 (To match the loan amount)

6109 / P650260-103015 / SWWTP CFS Bridge and RSP Cooling Upgrade (Voted Sanitary Carryover) / \$262,119.00 / \$260,119.00 / (\$2,000.00)

6109 / P650372-100000 / Southerly WWTP EAC HVAC and Air Purification (Voted Sanitary Carryover) / \$515,513.00 / \$517,513.00 / \$2,000.00

**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 \$7,583,290.00 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 \$7,583,290.00, 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 \$7,583,290.00, 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 Southerly WWTP EAC HVAC and Air Purification project with General Temperature Control, Incorporated, 970 W Walnut Street, Canal Winchester, OH 43110, in an amount up to \$7,583,290.00; 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 \$7,585,290.00, 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 \$7,583,290.00 (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 the transfer of \$2,000.00, or so much thereof as may be needed, is hereby authorized between projects within the Sanitary Bond Fund, Fund 6109, per the account codes in the attachment to this ordinance.

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