



## Legislation Text

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**File #: 3329-2016, Version: 1**

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**1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with Kenmore Construction Co., Inc. for the Argyle Drive Area Water Line Improvements Project, Division of Water Contract Number 2050, to encumber funds with the Department of Public Service, Design and Construction Division for inspection, material testing, and related services in the amount of \$375,293.13; and to transfer \$3,009,479.25 from the Water System Reserve Fund to the Water G.O. Bonds Fund.

The purpose of this project is to construct necessary improvements to the water distribution system in the Argyle Drive area. The improvements identified in the scope of work will replace water lines that have high break histories and require frequent maintenance.

This project includes open-cut installation of approximately 12,100 linear feet of 8-inch water main and appurtenances and approximately 300 linear feet of 8-inch water main and appurtenances installed by horizontal directional drilling methods within the project area.

This project is in "South Linden" Planning Area and includes the following streets: Argyle Drive, Vendome Drive, Vendome Drive South, Thames Drive, Sunbury Road, Penrose Drive, Woodnell Avenue, Brookcliff Avenue, and Woodward Avenue.

**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 6-inch and 8-inch 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) will be contacted and informed of this project during the design phase. Further community outreach may result through the Neighborhood Liaison Program.

**3.1 CONSTRUCTION CONTRACT AWARD:** The Director of Public Utilities publicly opened ten (10) bids on December 7, 2016 from: Elite Excavating (non-local) - \$3,009,598.30; Underground Utilities (non-local) - \$3,034,887.66; Kenmore Construction Co. (local) - \$3,038,184.43; Fields Excavating - \$3,064,658.35; Beheler Excavating - \$3,134,527.56; Danbert - \$3,234,994.85; Conie Construction - \$3,454,584.52; Darby Creek Excavating - \$3,725,682.60; Shelly & Sands - \$3,756,994.80; and Columbus Asphalt Paving - \$3,885,737.76.

Under Columbus City Code, Section 329, Local Preference for Competitive Sealed Bidding, if the lowest, responsive, responsible bid is from a non-local bidder, and a local bidder deemed responsive and responsible is within 1% of said non-local bidder, the city shall award the contract to said local bidder if they agree to meet the lowest bidder's price and provide a revised bid to demonstrate the same.

Kenmore Construction Company's (local) bid was 0.95% higher than Elite Excavating's (non-local) bid. Kenmore Construction notified the City that they agreed to match Elite Excavating's bid amount (less \$119.05) and provided a revised bid tabulation.

Therefore, the Department of Public Utilities will contract Kenmore Construction Company as the lowest, most responsive, responsible, local bidder, in the amount of \$3,009,479.25.

Kenmore Construction Co.'s Contract Compliance Number is 34-0802152 (expires 10/4/18, Majority, DAX Vendor

#006456). Additional information regarding all bidders, description of work, contract time frame and detailed amounts can be found on the attached Information form.

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

**3.2 PRE-QUALIFICATION STATUS:** Kenmore Construction Co., Inc. and all proposed subcontractors have met code requirements with respect to pre-qualification, pursuant to relevant sections of Columbus City Code Chapter 329.

**4. FISCAL IMPACT:** This Ordinance authorizes the City Auditor to appropriate and transfer funds from the Water System Reserve Fund to the Water Supply Revolving Loan Account Fund in order to fund this proposed expenditure. This transaction is a temporary measure that is required until such time as the Division is able to execute a loan with the Water Supply Revolving Loan Account Fund and reimburse the Water System Reserve Fund. The loan is expected to be approved in January 2017. A transfer of funds within the Water G.O. Bonds Fund and an amendment to the 2016 Capital Improvements Budget will also be necessary.

To authorize the Director of Public Utilities to enter into a construction contract with Kenmore Construction Co., Inc. for the Argyle Drive Area Water Line Improvements Project; to provide for payment of inspection, material testing and related services to the Department of Public Service, Design and Construction Division; to authorize the appropriation and transfer of \$3,009,479.25 from the Water System Reserve Fund to the Water Supply Revolving Loan Account Fund; to authorize the appropriation and expenditure of \$3,009,479.25 within the Water Supply Revolving Loan Account Fund; and to authorize a transfer and expenditure up to \$375,293.13 within the Water General Obligations Bonds Fund; for the Division of Water; and to authorize an amendment of the 2016 Capital Improvements Budget. (\$3,384,772.38)

**WHEREAS,** ten (10) bids for the Argyle Drive Area Water Line Improvements Project were received and publicly opened in the offices of the Director of Public Utilities on December 7, 2016; and

**WHEREAS,** the lowest, best, most responsive and responsible bid was from Elite Excavating, Inc. (non-local bidder) in the amount of \$3,009,598.30; and

**WHEREAS,** the third lowest, best, responsive, and responsible bid was from Kenmore Construction Company (local bidder) in the amount of \$3,038,184.43, which is 0.95% higher than Elite Excavating's bid (2<sup>nd</sup> lowest bidder was non-local); and

**WHEREAS,** Kenmore Construction agreed to match Elite Excavating's bid amount and provided a revised bid tabulation in accordance with Columbus City Code Section 329, Local Preference for Competitive Sealed Bidding; and

**WHEREAS,** the Department of Public Utilities will contract with Kenmore Construction Company as the lowest, most responsive, responsible, local bidder, in the amount of \$3,009,479.25; and

**WHEREAS,** it is necessary to authorize the Director of the Department of Public Utilities to enter into a construction contract for the Argyle Drive Area Water Line Improvements Project; and

**WHEREAS,** it is necessary to both appropriate funds from the Water System Reserve Fund and to authorize the transfer of said funds into the Water Supply Revolving Loan Account 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 System Reserve Fund; and

**WHEREAS**, it is necessary to authorize a transfer and expenditure of funds within the Water G.O. Bonds Fund, for the Division of Water; and

**WHEREAS**, it is necessary to authorize an amendment to the 2016 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; and

**WHEREAS**, it has become necessary in the usual daily operation of the Division of Water, Department of Public Utilities, to authorize the Director to enter into a construction contract with Kenmore Construction Co., Inc. for the Argyle Drive Area Water Line Improvements Project, for the preservation of the public health, peace, property and safety; **now, therefore**

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

**SECTION 1.** That the Director of Public Utilities is hereby authorized to enter into a construction contract for the Argyle Drive Area Water Line Improvements Project with Kenmore Construction Co., Inc., 700 Home Rd., Akron, OH 44310 (corporate); 808 Frank Rd., Columbus, OH 43223 (local); in an amount up to \$3,009,479.25; in accordance with the terms and conditions of the contract on file in the Office of the Division of Water; and to obtain the necessary inspection, testing and prevailing wage coordination services from the Design and Construction Division and to pay up to a maximum amount of \$375,293.13.

**SECTION 2.** That said construction company shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Water.

**SECTION 3.** That the 2016 Capital Improvements Budget is hereby amended as follows:

**Fund No. | Project ID | Project Name | Current Authority | Revised Authority | Change**

6006 | P690236-100095 (New) | Project #49 WL Imp's | \$150,000 | \$124,706 | -\$25,294

6006 | P690236-100075 (New) | Argyle Dr. Area WL Imp's | \$350,000 | \$375,294 | +\$25,294

6011 | P690236-100075 (New) | Argyle Dr. Area WL Imp's | \$2,700,000 | \$3,009,480 | +\$309,480 (add authority to match expenditure)

**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 ended December 31, 2017, the sum of \$3,009,479.25 is appropriated in Fund 6003 - Water System Reserve Fund, in Object Class 10 Transfer Out Expenditure, per the account codes in the attachment to this ordinance.

**SECTION 5.** That the transfer of \$3,009,479.25 or so much thereof as may be needed, is hereby authorized between Fund 6003 - Water System Reserve Fund and Fund 6011 - Water Supply Revolving Loan Account Fund, per the account codes in the attachment to this ordinance.

**SECTION 6.** That the appropriation and expenditure of \$3,009,479.25 or so much thereof as may be needed, is hereby authorized in Fund 6011 - Water Supply Revolving Loan Account Fund, in Object Class 06 Capital Outlay, 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 under Section 5 above, and said funds are hereby deemed appropriated for such purpose.

**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 \$3,009,479.25 (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 Water System Reserve Fund 6003, which is the fund from which the advance for costs of the Project will be made.

**SECTION 9.** That the funds necessary to carry out the purpose of this Ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

**SECTION 10.** That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the project account to the unallocated balance 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 no longer required for said project; except that no transfer shall be made from a project account by monies from more than one source.

**SECTION 11.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 12.** 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 13.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.