File #: 1611-2017, **Version:** 1

1. **BACKGROUND:** This legislation authorizes the Directors of Public Utilities and Public Services to enter into a construction contract with the Conie Construction Company for the Blueprint Clintonville: Overbrook/Chatham Integrated Solutions Project, CIP 650870-100004 and the Wynding Drive / Yaronia Drive Water Line Improvements Projects CIP 690236-100110. The work for these projects consists of 20 green infrastructure locations, and water line improvements consisting of open-cut installation of approximately 465 linear feet of 6-inch water main and appurtenances and 2,060 linear feet of 8-inch water main and appurtenances, street resurfacing and other such work as may be necessary to complete the contract, in accordance with the drawings, technical specifications, and City of Columbus Construction and Material Specifications.

   Subsequent to the water and sewer line work, this project will require resurfacing of 2026 square yards of pavement, replacing 793 linear feet of curb, and replacing 2 curb ramps. Funding from the Department of Public Service will be utilized for this resurfacing work.

   These projects are being funded through multiple funding sources including an Environmental Protection Agency loan program and two (2) different City Bond Funds. This bid required that the bidder segregate their bid as specified with Sub-total and Contingency amounts for each component of the project as indicated in the Unit Price Bid Form.

   This project has been approved for below market-rate loan financing through the Ohio Environmental Protection Agency's Water Pollution Control Loan Fund (WPCLF) which is administered by the Ohio Water Development Authority (OWDA). Ordinance 2241-2015, passed October 19, 2015, authorizes the Director of Public Utilities to enter into a WPCLF Loan for the project. The project's assigned WPCLF Number is CS390274-0230. The loan award is expected on July 27th, 2017, an OWDA Loan Account number will be assigned. For this reason Federal Davis-Bacon Wage Rates and Requirements will apply.

2. **PROCUREMENT:** The Department of Public Utilities advertised for bids pursuant to the overall requirements of city code section 329 for the Blueprint Clintonville: Overbrook/Chatham Integrated Solutions and the Wynding Drive / Yaronia Drive Water Line Improvements Projects and received four (4) bids. These bids were opened, and evaluated using the bid tab and Quality Factor Form (QFF) process. It was determined that Conie Construction best meet the needs of the Department of Public Utilities.

3. **PROJECT TIMELINE:** Contract work is required to be completed in a manner acceptable to the City within 550 days from the date that a Notice To Proceed (NTP) is given by the City.

4. **EMERGENCY DESIGNATION:** An emergency designation **is not requested** at this time.

5. **CONTRACT COMPLIANCE NUMBER:** 31-0800904 | MAJ | Exp. 03/02/2019 | Vendor: 004320

6. **ENVIRONMENTAL IMPACT:** NA

7. **FISCAL IMPACT:** Funding for this Ordinance will come from multiple sources. This ordinance authorizes the appropriation and transfer of up to $1,271,410.82 from the Sanitary Sewer Reserve Fund, Fund 6102 to the Ohio Water Development (OWDA) Loan Fund, Fund 6111; to authorize the transfer within of $56,040.79 from the Sanitary Sewer General Obligation (G.O.) Bond Fund, Fund 6109; to authorize a combined expenditure of up to

$1,327,451.61 from the both Sanitary Sewer Funds; to authorize the expenditure of $670,592.07 from the Water General Obligation (G.O.) Bond Fund; to authorize the transfer of and expenditure of $58,591.11 from Department of Public Services (DPS) Streets and Highways G.O. Bonds Fund 7704; to authorize a total expenditure of up to $2,056,634.79 across the various project funds used for this project; and to amend the 2017 Capital Improvements Budget to establish sufficient budget authority for this ordinance. Note, monies for this contract from the Sanitary Sewer Reserve Fund will be provided from a future Bond Sale via the transfer detailed in this ordinance.

To authorize the Director of Public Utilities and the Director of Public Service to enter into a construction contract with the Conie Construction Company for the Blueprint Clintonville: Overbrook/Chatham Integrated Solutions Project and the Wynding Drive / Yaronia Drive Water Line Improvements Project; to authorize the appropriation and transfer of $1,271,410.82 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the transfer of $56,040.79 from the Sanitary Sewer General Obligation (G.O.) Bond Fund; to authorize an expenditure up to $670,592.07 from the Water General Obligation (G.O.) Bond Fund; to authorize the transfer and expenditure of $58,591.11 from Department of Public Services Streets and Highways G.O. Bonds; to authorize a total expenditure of up to $2,056,634.79; and to amend the 2017 Capital Improvements Budget. ($2,056,634.79).

WHEREAS, it is necessary to authorize the Director of both Public Utilities and Public Service to enter into a construction contract with the Conie Construction Company for the Blueprint Clintonville: Overbrook/Chatham Integrated Solutions Project (CIP 650870-100004) and the Wynding Drive / Yaronia Drive Water Line Improvements Project (CIP 690236-100110), which are designed to reduce residential backups in the impacted area; and

WHEREAS, the work consist of 20 green infrastructure locations, and water line improvements consisting of open-cut installation of approximately 465 linear feet of 6-inch water main and appurtenances and 2,060 linear feet of 8-inch water main and appurtenances; and

WHEREAS, it is anticipated that the Ohio Water Development Authority (OWDA) will approve an Ohio EPA WPCLF loan agreement with the City of Columbus on July 27th, 2017, in the amount of $1,271,410.82 to provide financing for the above listed project with eligible costs including the construction contract and contingency; and

WHEREAS, it is necessary to both appropriate funds from the Sewer System Reserve Fund and to authorize the transfer of said funds to the OWDA Loan Fund in order to temporarily fund this expenditure until such time as the City receives loan proceeds for the above stated purpose and reimburse the Sewer System Reserve Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Sanitary Reserve Fund; and

WHEREAS, it is necessary to authorize an expenditure of $1,271,410.82 from the Ohio Water Development (OWDA) Loan Fund, Fund 6111; and

WHEREAS, it is necessary to authorize the transfer within and expenditure of up to $56,040.79 Sanitary Sewer General Obligation (G.O.) Bond Fund 6109; and

WHEREAS, it is necessary to authorize an expenditure up to $670,592.07 from the Water G.O. Bonds Fund, Fund 6006; and

WHEREAS, it is necessary to resurface street pavement subsequent to the water and sewer line work, it is necessary to authorize the transfer within and expenditure of up to $58,591.11 from Department of Public Service's Streets and Highways G.O. Bonds Fund 7704; and

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WHEREAS, it is necessary to amend the 2017 Capital Improvements Budget for purposes of creating and providing sufficient budget authority for the aforementioned expenditures; and

WHEREAS, the aggregate principal amount of obligations which the City will issue to finance this project is presently expected not to exceed $2,056,634.79; 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 project described in this ordinance (the "Project"); and

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Utilities, Division of Sewerage and Drainage, and the Department of Public Service to authorize the Directors to enter into a contract with Conie Construction for the Blueprint Clintonville: Overbrook/Chatham Integrated Solutions and the Wynding Drive / Yaronia Drive Water Line Improvements Projects to be implemented at the earliest practical date; **now, therefore**

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

SECTION 1. That the Director of Public Utilities and the Director of Public Service are hereby authorized to enter into a contract with the Conie Construction Company, 1340 Windsor Ave., Columbus, Ohio 43215 for the Blueprint Clintonville: Overbrook/Chatham Integrated Solutions and the Wynding Drive / Yaronia Drive Water Line Improvements Projects in accordance with the terms and conditions as shown in the agreement on file in the office of the Division of Sewerage and Drainage.

SECTION 2. That from the unappropriated monies in the Sanitary Sewer Reserve Fund No. 6102 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, 2017, the sum of $1,271,410.82 is hereby appropriated to the Division of Sewerage and Drainage in Fund 6102, per the account codes in the DAX Financial attachment to this ordinance.

SECTION 3. That the City Auditor is hereby authorized to transfer and appropriate a total $1,271,410.82 from the Sanitary Sewer Reserve Fund 6102 to the Ohio Water Development (OWDA) Loan Fund, Fund 6111 at such time as deemed necessary by the Auditor, or so much thereof as may be necessary per the account codes in the attachment to this ordinance.

SECTION 4. That the City Auditor is hereby authorized to transfer up to $56,040.79 witihin the Sanitary Sewer General Obligation Bond Fund 6109 per the accounting codes in the attachment to this ordinance.

SECTION 5. That the Director of Public Utilities is hereby authorized to expend up to $56,040.79 from the Sanitary Sewer General Obligation Bond Fund, Fund 6109 and $1,271,410.82 from the Ohio Water Development (OWDA) Loan Fund, Fund 6111 per the account codes in the attachment to this ordinance.

SECTION 6. That the expenditure of $670,592.07, or so much thereof as may be needed, is hereby authorized in Fund 6006 - Water G.O. Bond Fund, per the accounting codes in the attachment to this ordinance.

SECTION 7. That the City Auditor is hereby authorized to transfer and expend up to $58,591.11 within in the Department of Public Services (DPS) Streets and Highways G.O. Bonds Fund 7704

SECTION 8. That the 2017 Capital Improvements Budget is hereby amended as follows:

Fund | Project Number | Project Name | Current Authority | Revised Authority | Change
6109 | P650886-100000 | Scioto Main Sanitary Pump Stations | $100,107 | $44,066 | (-$56,041)
6109 | P650870-100004 | BP Clintonville Overbrook Chatham Integrated Sols| $0 | $56,041 | $56,041

Fund | Project No. | Project Name | Current Authority | Revised Authority | Change
6111 | P650367-100002 | SWWTP CEPT Preliminary Treatment | $11,395,859 | 10,124,449 | (-$1,271,411)
6111 | P650870-100004 | BP Clintonville Overbrook / Chatham | $0 | $1,271,411 | (+$1,271,411)

6006 | P690236-100058 (carryover) | E. Deshler WL Imp's | $0 | $36,929 | $36,929 (establish authority to match cash)
6006 | P690236-100058 (carryover) | E. Deshler WL Imp's | $36,929 | $0 | -$36,929
6006 | P690236-100061 (carryover) | Acton Rd. WL Imp's | $550,000 | $496,405 | -$53,595
6006 | P690236-100110 (carryover) | Wynding /Yaronia Dr. WL Imp's | $580,069 | $670,593 | +$90,524

7704 | P530282-100000 | 59-03 Resurfacing | $68,803.00 | $10,211.00 | ($58,592.00)
7704 | P530282-100117 | Resurfacing -- Resurfacing coordination with future DPU projects | $0.00 | $58,592.00 | $58,592.00

SECTION 9: That the said company, Conie Construction, shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 10. That the City Auditor is hereby authorized 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 are no longer required for said project; except that no transfer shall be made from a project by monies from more than one source.

SECTION 11. That 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 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 upon obtaining other funds for the purpose of funding sanitary sewer system capital improvement work, the City Auditor is hereby authorized to repay the Sanitary Sewer Reserve Fund the amount transferred above (Section 3), and said funds are hereby deemed appropriated for such purposes.

SECTION 14. 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 $1,271,410.82 (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 Sanitary/Sewer Reserve Fund 6102, which is the fund from which the advance for costs of the Project will be made.

SECTION 15. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.