



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 2335-2017, Version: 1

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a construction contract with Kokosing Industrial, Inc. for the Jackson Pike Waste Water Treatment Plant Primary Clarifier Electrical Upgrades Project, Contract J223, CIP 650230-100001. This project consists of replacing existing electrical equipment for the A-Plant and B-Plant primary clarifiers.

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 2219-2016, passed September 26, 2016, authorizes the Director of Public Utilities to enter into a WPCLF Loan for the project. Upon the loan award, which is expected in September 2017 an OWDA Loan Account number will be assigned.

2. PROJECT TIMELINE: Contract work is required to be completed in a manner acceptable to the City within 782 days from the date that a Notice To Proceed (NTP) is given by the City.

3. PROCUREMENT INFORMATION: The Division advertised for competitive bids for the subject project on the City's Vendor Services website, the City's Bulletin in accordance with the overall provisions of Section 329 of Columbus City Codes, and the Bid Express website. The Division of Sewerage and Drainage received two (2) bids on August 2, 2017 from the following companies:

| <u>4. Name</u> | <u>C.C. No</u> | <u>Vendor #</u> | <u>Exp. Date</u> | <u>City/State</u> | <u>Status</u> |
|--------------------------|----------------|-----------------|------------------|-------------------|---------------|
| Kenmore Construction | 34-0802152 | 006456 | 10/24/2018 | Cols, OH | MAJ |
| Kokosing Industrial Inc. | 47-2946608 | 012309 | 03/10/2019 | Cols, OH | MAJ |

These bids were reviewed and ranked utilizing the Bid Tab and Quality Factor Form process. Kokosing Industrial, Inc.'s bid was deemed the lowest, best, most responsive and responsible bid in the amount of \$3,815,700.00.

5. EMERGENCY DESIGNATION: Emergency designation **is not requested** at this time.

6. CONTRACT COMPLIANCE NO: 47-2946608 | MAJ | 03/10/2019 | Vendor #: 012309

7. ECONOMIC IMPACT: Provision of updates and beneficial refurbishment of existing facilities will extend the useful life of existing structures, eliminate expense for new facilities, increase work efficiency and provide a safe work environment for personnel. No community outreach or environmental factors are considered for this project.

8. FISCAL IMPACT: This legislation authorizes the appropriation and transfer of \$3,815,700.00 from the Sanitary Sewer Reserve Fund 6102, to the Ohio Water Development (OWDA) Loan Fund, Fund 6111; and authorizes the expenditure of up to \$3,815,700.00 from the loan fund.

To authorize the Director of Public Utilities to enter into a construction contract with Kokosing Industrial, Inc. for the

Jackson Pike Waste Water Treatment Plant Primary Clarifier Electrical Upgrades Project; to authorize the appropriation and transfer of \$3,815,700.00 from the Sanitary Sewer Reserve Fund to the Ohio Water Development Loan Fund; and to authorize the expenditure of up to \$3,815,700.00 from said loan fund for the Division of Sewerage and Drainage. (\$3,815,700.00)

WHEREAS, it is necessary to authorize the Director of Public Utilities to enter into a construction contract with Kokosing Industrial, Inc. for the Jackson Pike Waste Water Treatment Plant Primary Clarifier Electrical Upgrades Project; CIP 650230-100001; and

WHEREAS, the Ohio Water Development Authority (OWDA) will approve an Ohio EPA WPCLF loan agreement with the City of Columbus in the September 2017 award period, in the amount of \$3,815,700.00 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, the aggregate principal amount of obligations which the City will issue to finance this project will not exceed \$3,815,700.00; and

WHEREAS, it is necessary to authorize the expenditure of up to \$3,815,700.00 from the Ohio Water Development (OWDA) Loan Fund, Fund 6111; 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 to authorize the Director to enter into a construction contract with Kokosing Industrial, Inc. for the Jackson Pike Waste Water Treatment Plant Primary Clarifier Electrical Improvements Project, CIP 650230-100001 for the preservation of the public health, peace, property, 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 with Kokosing Industrial, Inc., 6235 Westerville Road, Suite 200, Westerville, Ohio 43081 for the Jackson Pike Waste Water Treatment Plant Primary Clarifier Electrical Upgrades Project, CIP 650230-100001 in accordance with the terms and conditions on file in the office of the Division of Sewerage and Drainage.

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 ended December 31, 2017, the sum of \$3,815,700.00 is appropriated in Fund 6102, per the account codes in the funding attachment to this ordinance.

SECTION 3. That the transfer of \$3,815,700.00 or so much thereof as may be needed, is hereby authorized between the Sanitary Sewer Reserve Fund 6102 and OWDA Loan Fund 6111 per the accounting codes in the attachment to this ordinance.

SECTION 4. That the appropriation and expenditure of \$3,815,700.00 or so much thereof as may be needed, is hereby authorized in the Ohio Water Development (OWDA) Loan Fund, Fund 6111 per the accounting codes in the attachment to this ordinance.

SECTION 5. That said firm, Kokosing Industrial, Inc. shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 6. 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 7. 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 8. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 9. 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 10. 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 11. 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 \$3,815,700.00 (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 Sanitary Sewer Reserve Fund 6102, which is the fund from which the advance for costs of the Project will be made.

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