



## Legislation Text

File #: 2382-2017, Version: 1

**1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with Layne Inliner, LLC for the 2016 Annual Lining Project, CIP 650404-100043. Work for this project consists of the rehabilitation of approximately 43,000 LF of 8- thru 48-inch sewers utilizing the Cured-in-Place Pipe (CIPP) process, manhole rehabilitation, and other such work as may be necessary to complete the contract in accordance with the plans and specifications. The project is Citywide.

This contract will address projects throughout the service area as sewer line issues arise. The Division of Sewerage and Drainage determines the areas that are in need of rehabilitation through video inspection of sewer and stormwater lines.

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. The project's assigned WPCLF Number is CS390274-0212. The loan award is expected on October 26, 2017, an OWDA Loan Account number will be assigned. For this reason Federal Davis-Bacon Wage Rates and Requirements will apply.

**2. THE PROJECT TIMELINE:** Work is to be completed within 24 months after the effective date of the Notice to Proceed.

**3. PROCUREMENT:** In accordance with the procedures set forth in the overall provisions of Columbus City Code, Section 329, invitation for Bids were received July 26, 2017 for the 2016 Annual Lining Project. Four (4) competitive bids were received and opened at the Department of Public Utilities' 910 Dublin Road facility. The following bidders submitted bids:

<u>Name</u>	<u>CCCN</u>	<u>Vendor#</u>	<u>Exp. Date</u>	<u>City/St</u>	<u>Status</u>
Inland Waters Pollution Control, Inc.*	20-8630545	007535	02/25/18	Detroit, MI	MAJ
Layne Inliner LLC	01-0684682	000027	02/03/18	Hilliard, OH	MAJ
Insituform Technologies LLC	13-3032158	000636	07/07/19	Chesterfield, MO	MAJ
SAK Construction LLC	20-4193988	001326	---	O Fallon, MO	MAJ

\*: this bidder deemed Non-Responsive.

The selection process used the Bid Tab and Quality Factor Form evaluation process and was awarded to the lowest responsive, responsible and best bidder, Layne Inliner LLC. Inland Water Pollution Control had the lowest bid, but was deemed non-responsive because of the proposed use of a non-approved lining product. Therefore based on the submitted bids and the evaluation process, the bid was awarded to Layne Inliner, LLC.

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

**5. CONTRACT COMPLIANCE No.:** 01-0684682 | MAJ | 02/03/2018 | Vendor #000027

**6. ENVIRONMENTAL IMPACT:** This project will rehabilitate existing sanitary sewers within the City of Columbus reducing inflow and infiltration to the City's sanitary system. This project will mitigate sanitary sewer overflows to basements and waterways.

**7. FISCAL IMPACT:** This ordinance authorizes the following: appropriation and transfer of \$6,173,811.55 from the Sanitary Sewer Reserve Fund 6120 to the Ohio Water Development (OWDA) Loan Fund 6111; an expenditure of up to \$6,173,811.55 from the OWDA loan fund 6111; amends the 2017 Capital Improvements Budget; and aligns the budget authority for this project.

To authorize the Director of Public Utilities to enter into a construction contract with Layne Inliner, LLC for the 2016 Annual Lining Project; to authorize the appropriation and transfer of \$6,173,811.55 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the expenditure of \$6,173,811.55 from the Ohio Water Development (OWDA) Loan Fund; and to amend the 2017 Capital Improvements budget to provide sufficient authority. (\$6,173,811.55)

**WHEREAS,** it is necessary to authorize the Director of Public Utilities to enter into a construction contract with Layne Inliner, LLC. for the Division of Sewerage and Drainage's 2016 Annual Lining Contract; and

**WHEREAS,** the Ohio Water Development Authority (OWDA) will approve an Ohio EPA WPCLF loan agreement with the City of Columbus in the October 2017 award period, in the amount of \$6,173,811.55 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 \$6,173,811.55; and

**WHEREAS,** it is necessary to authorize the expenditure of up to \$6,173,811.55 from the Ohio Water Development (OWDA) Loan 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 Layne Inliner, LLC for the 2016 Annual Lining Project CIP # 650404-100043 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 Layne Inliner, LLC, 4143 Weaver Court, Hilliard, Ohio 43026 for the 2016 Annual Lining Contract 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 \$6,173,811.55 is appropriated in Fund 6102, per the account codes in the funding attachment to this ordinance.

**SECTION 3.** That the transfer of \$6,173,811.55 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 \$6,173,811.55, 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 the 2017 Capital Improvement Budget is amended as follows:

**Fund # | Project No. | Project Name | Current Authority | Revised Authority | Net Change**

6111 | 650367-100003 | SWWTP Chemically Enhanced Primary Treatment (CEPT) Disinfection | \$9,630,361 | \$3,456,549 | -\$6,173,812

6111 | P650404-100043 | 2016 Annual Lining Contract | \$0 | \$6,173,812 | +\$6,173,812

**SECTION 6:** That the said engineering company, Layne Inliner, LLC, shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

**SECTION 7.** 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 8.** 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 9.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**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 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 12.** 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 \$6,173,811.55 (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 13.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.