



## Legislation Text

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**File #: 1237-2018, Version: 1**

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**1.0 BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with Darby Creek Excavating, Inc. for the Arcadia Avenue Area Water Line Improvements Project, Capital Improvements Project No. 690236-100069, Division of Water Contract Number 2046.

The purpose of this project is to construct necessary improvements to the water distribution system in the Arcadia Avenue 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 2,900 linear feet of 6-inch water main, 9,200 linear feet of 8-inch water main, and 2,600 linear feet of 12-inch water main; installation and transfer of approximately 120 new water taps on existing water mains; installation of ten (10) new water services and meters on private properties; and other such work as may be necessary to complete the contract in accordance with the Invitation For Bid (IFB).

Planning area - Near North / University and North Linden; includes the following roads: Northwood Ave., Patterson Ave., Maynard Ave., Blake Ave., Duncan St., Arcadia Ave., Calumet St., Adams Ave., Medary Ave., Moon Rd., Northridge Rd., Blenheim Rd., Dorko Ct., Weibel Ct., and Oakland Park Ave.

**2.0 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) has been contacted and informed of this project. Further community outreach may result through the Neighborhood Liaison Program.

**3.0 CONSTRUCTION CONTRACT AWARD:** The Director of Public Utilities publicly opened six (6) bids on April 18, 2018 from:

1. Darby Creek Excavating	\$3,908,750.49
2. Shelly & Sands, Inc.	\$4,430,016.89
3. Elite Excavating of Ohio	\$4,749,792.68
4. Danbert, Inc.	\$4,763,160.63
5. Fields Excavating, Inc.	\$5,186,928.49
6. Facemyer Co.	\$5,208,536.94

Darby Creek Excavating's bid was deemed the lowest, best, most responsive and responsible bid in the amount of \$3,908,750.49. Their Contract Compliance Number is 31-1345111 (expires 4/20/20, Majority) and their DAX Vendor No. is 5129. 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 Darby Creek Excavating, Inc.

**3.1 PRE-QUALIFICATION STATUS:** Darby Creek Excavating, Inc. and all proposed subcontractors have met code requirements with respect to pre-qualification, pursuant to relevant sections of Columbus City Code Chapter 329.

**4.0 EMERGENCY DESIGNATION:** It is requested that this Ordinance be handled in an **emergency** manner in order to meet the project timeline and deliverables schedule.

**5.0 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 June 2018.

A portion of funding will also come from the Water G.O. Bonds Fund and requires a transfer of cash. An amendment to the 2018 Capital Improvements Budget is also necessary.

To authorize the Director of Public Utilities to enter into a construction contract with Darby Creek Excavating, Inc. for the Arcadia Avenue Area Water Line Improvements Project; to authorize the appropriation and transfer of \$3,874,250.49 from the Water System Reserve Fund to the Water Supply Revolving Loan Account Fund; to authorize the appropriation and expenditure of \$3,874,250.49 from the Water Supply Revolving Loan Account Fund; to authorize a transfer and expenditure of \$34,500.00 within the Water General Obligations Bond Fund for the Division of Water; to authorize an amendment of the 2018 Capital Improvements Budget; and to declare an emergency. (\$3,908,750.49)

**WHEREAS**, six (6) bids for the Arcadia Avenue Area Water Line Improvements Project were received and publicly opened in the offices of the Director of Public Utilities on April 18, 2018; and

**WHEREAS**, the lowest, best, most responsive and responsible bid was from Darby Creek Excavating, Inc. in the amount of \$3,908,750.49; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to enter into a construction contract for the Arcadia Avenue 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**, 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 transfer and expenditure of funds within the Water G.O. Bonds Fund; and

**WHEREAS**, it is necessary to authorize an amendment to the 2018 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditures; and

**WHEREAS**, an emergency exists in the usual daily operation of the Division of Water, Department of Public Utilities, in that it is immediately necessary to authorize the Director of Public Utilities to enter into a construction contract with Darby Creek Excavating, Inc. for the Arcadia Avenue Area Water Line Improvements Project, in an emergency manner in order to meet the project timeline and deliverables schedule, for immediate 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 Arcadia Avenue Area Water Line Improvements Project with Darby Creek Excavating, Inc. (FID# 31-1345111), 19524 London Rd., Circleville, OH 43113; in an amount up to \$3,908,750.49; in accordance with the terms and conditions of the contract on file in the Office of the Division of Water.

**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 transfer of \$34,500.00 or so much thereof as may be needed, is hereby authorized between projects within Fund 6006 - Water G.O. Bonds Fund, per the account codes in the attachment to this ordinance.

**SECTION 4.** That the 2018 Capital Improvements Budget is hereby amended, per the account codes in the attachment to this ordinance.

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

6011 | P690236-100069 (New Funding) | Arcadia Ave. WL Imp's | \$3,000,000 | \$3,874,251 | +\$874,251 (adding authority to match expenditure)

6006 | P690430-100001 (carryover) | HCWP Trmt. Imp's | \$5,564 | \$0 | -\$5,564

6006 | P690441-100002 (carryover) | Alum Creek P.S. - Misc. Imp's | \$1,633,850 | \$1,604,914 | -\$28,936

6006 | P690236-100069 (carryover) | Arcadia Ave. WL Imp's | \$474,998 | \$509,498 | +\$34,500

**SECTION 5.** 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, 2018, the sum of \$3,874,250.49 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 6.** That the transfer of \$3,874,250.49 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 7.** That the expenditure of \$3,874,250.49 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 8.** That the expenditure of \$34,500.00 or so much thereof as may be needed, is hereby authorized in Fund 6006 - Water G.O. Bonds Fund, in Object Class 06 - Capital Outlay, per the accounting codes in the attachment to this ordinance.

**SECTION 9.** 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 6 above, and said funds are hereby deemed appropriated for such purpose.

**SECTION 10.** 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 \$3,874,250.49 (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, Fund 6003, which is the fund from which the advance for costs of the Project will be made.

**SECTION 11.** 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 12.** 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 13.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 14.** 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 15.** That for reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.