



Legislation Text

File #: 1546-2019, **Version:** 1

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a construction contract with Kenmore Construction Co. for the Hap Cremean Water Plant Concrete Rehabilitation Project, in an amount up to \$13,599,420.00, for Capital Improvements Project No. 690389-100000, Division of Water Contract Number 2141.

Funds in the amount of \$2,000.00 will also be encumbered with the Department of Public Service for Prevailing Wage services.

Natural deterioration due to age, service conditions, and weather (freeze-thaw) requires rehabilitation of various concrete structures at the Hap Cremean Water Plant including settling basins, channels leading to/from the basins, and exterior structures adjacent to the basin complex; stairs, pavement, retaining walls, high mast lights, and other similar features. This contract also includes the rehabilitation of components attached to or embedded into the concrete basins, including joints, grating, frames, hatch covers, handrails, guardrails, valves and gates.

The Community Planning Area is "99 - Citywide" since the water plant services several Columbus communities.

2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT:

This project will rehabilitate deteriorated concrete at Columbus's largest water treatment facility to maintain reliability of the treatment process and prevent further and more costly damage that would occur if rehabilitation were postponed. This project is part of the City's ongoing efforts to maintain a reliable supply of safe drinking water to its customers, which will result in sustainable economic growth well into the future.

3. CONSTRUCTION CONTRACT AWARD: The Director of Public Utilities publicly opened two (2) bids on May 29, 2019 from:

- | | |
|------------------------------|-----------------|
| 1. Kenmore Construction Co. | \$13,599,420.00 |
| 2. Kokosing Industrial, Inc. | \$15,966,000.00 |

Kenmore's bid was deemed the lowest, best, most responsive and responsible bid in the amount of \$13,599,420.00. Their Contract Compliance Number is 34-0802152 (expires 8/6/20, Majority) and their DAX Vendor No. is 6456. 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.

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

4. EMERGENCY DESIGNATION: This project will reduce the treatment capacity of the plant because treatment basins must be taken out of service to perform the work. As a result, this work must be performed during the plant's scheduled reduced production period that starts in September and ends in April. Emergency legislation is needed to provide sufficient time for the contractor to mobilize, obtain shop drawing approvals, and procure equipment / material prior to the start of the reduced production period. If the work is not begun with the start of the reduced production

period, some of the work will need to be moved into next year's reduced production period, which will delay the project and increase costs to the City.

5. 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 July 2019.

A transfer of funds within the Water G.O. Voted Bonds Fund will be necessary as well as an amendment to the 2019 Capital Improvements Budget.

6. EASEMENTS: The construction contract requires the contractor to provide temporary power for construction trailers and to obtain this power from the electric utility lines along Morse Road and run temporary electric service line from Morse Road to the trailer area. The contractor's utility company may require a temporary easement from the City to install this service line on City property. If a temporary easement is required, this legislation seeks authorization for the Director of Public Utilities to grant a temporary easement(s) or other agreement(s), as approved by the City Attorney's Office, Real Estate Division, for the installation of temporary electric power for use during construction of this project.

To authorize the Director of Public Utilities to enter into a construction contract with Kenmore Construction Co. for the Hap Cremean Water Plant Concrete Rehabilitation Project; to authorize the appropriation and transfer of \$13,599,420.00 from the Water System Reserve Fund to the Water Supply Revolving Loan Account Fund; to authorize the appropriation and expenditure of \$13,599,420.00 from the Water Supply Revolving Loan Account Fund; to authorize a transfer and expenditure up to \$2,000.00 within the Water General Obligation Voted Bonds Fund to provide for payment of prevailing wage services to the Department of Public Service; for the Division of Water; to authorize an amendment to the 2019 Capital Improvements Budget; to authorize the Director of Public Utilities to grant temporary construction easements or other agreements; and to declare an emergency. (\$13,601,420.00)

WHEREAS, two (2) bids for the Hap Cremean Water Plant Concrete Rehabilitation Project were received and publicly opened in the offices of the Director of Public Utilities on May 29, 2019; and

WHEREAS, the lowest, best, most responsive and responsible bid was from Kenmore Construction Co. in the amount of \$13,599,420.00; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to enter into a construction contract for the Hap Cremean Water Plant Concrete Rehabilitation Project; and

WHEREAS, it is necessary to authorize the Director of the Department of Public Utilities to transfer, encumber, and expend funds within the Water G.O. Voted Bonds Fund to provide for payment of prevailing wage services associated with said 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 an amendment to the 2019 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; and

WHEREAS, it may be necessary for the City to grant temporary construction easements or other agreements for the installation of temporary electric power for use during construction of the project; 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 Kenmore Construction Co. for the Hap Cremean Water Plant Concrete Rehabilitation Project, in an emergency manner in order to mobilize the project prior to commencement of the reduced capacity of the treatment basins, for the 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 Hap Cremean Water Plant Concrete Rehabilitation Project with Kenmore Construction Co.; FID #34-0802152; 700 Home Ave., Akron, OH 44310; in an amount up to \$13,599,420.00; 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 prevailing wage services from the Department of Public Service and to pay up to a maximum amount of \$2,000.00.

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 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, 2019, the sum of \$13,599,420.00 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 4. That the transfer of \$13,599,420.00 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 5. That the transfer of \$2,000.00 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 6. That the 2019 Capital Improvements Budget is hereby amended, in Fund 6011 - Water Supply Revolving Loan Account Fund and Fund 6006 - Water G.O. Bonds Fund, as follows:

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

6011 | P690389-100000 (NEW) | HCWP Basin Concrete Rehab. | \$6,000,000 | \$13,599,420 | +\$7,599,420 (establish authority to match expenditure)

6006 | P690411-100013 (carryover) | Hoover Dam Imp's - Part 1 | \$1,112,491 | \$1,110,491 | -\$2,000

6006 | P690389-100000 (carryover) | HCWP Basin Concrete Rehab. | \$0 | \$2,000 | +\$2,000

SECTION 7. That the appropriation and expenditure of \$13,599,420.00 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 \$2,000.00 or so much thereof as may be needed, is hereby authorized in Fund 6006

- Water G.O. Voted Bonds Fund, in Object Class 06 - Capital Outlay, for prevailing wage services, 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 4 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 \$13,599,420.00 (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 the Water System Reserve 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 the Director of Public Utilities is authorized to grant temporary construction easement(s) or other agreement(s), as approved by the City Attorney's Office, Real Estate Division, for the installation of temporary electric power for use during construction of this project.

SECTION 16. 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.