



# City of Columbus

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

## Legislation Text

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**File #: 2465-2019, Version: 1**

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This ordinance authorizes the Director of the Department of Technology (DoT) to enter into contract with Harris and Heavener Excavating, Inc. to install fiber optic cabling at nineteen (19) locations throughout the city. These locations include: E. 25th Avenue Alternate Entry; Broad at Grant Pedestal Expansion; Fire 5 on McNaughten to CTSS; Fire 6 on Maple Canyon; Fire 12 on Sullivant; Fire 13 on Arcadia to CTSS; Fire 17 on W. Broad to CFN; Fire 18 on Cleveland to CTSS; Fire 19 on High to CFN; Fire 21 on Main to CTSS; Fire 22 to CTSS; Fire 23 on Livingston to CTSS; Fire 26 on Fisher; Fire 28 on McCutcheon to CFN; Fire 31 on Alkire to CTSS; Fire 32 on Gender to CTSS; Fire 34 on Wilcox to CTSS; Police Academy to CTSS; and Police Sub 9 & Fire 4 on Winchester Pike to CTSS.

These projects link together locations that need to have fiber pathways joined together to put the fiber in service or provide the city with alternate fiber pathways to enhance circuit access.

Exercising due diligence, DoT solicited bids via the city's construction bid portal. On August 29, 2019 at 11:00 am, two bids were received and opened. Amounts were as follows:

**Summer Fiber Projects (19 locations fiber construction)**

Harris and Heavener Excavating, Inc. - \$912,390.03

Fishel - \$1,124,032.97

DoT recommends that the award be made to Harris and Heavener Excavating, Inc. having submitted the lowest, responsive and responsible bid. With the addition of a ten percent contingency, the total expenditure being authorized by this ordinance is \$1,003,629.03.

The term of the contract will be one year, effective from the date of a certified purchase order by the City Auditor's Office.

This ordinance also authorizes an appropriation and transfer from the Special Income Tax (SIT) fund to cover a shortfall of taxable capital fund cash, pending the next bond sale. Currently, there is \$663,237.10 in the Information Services Taxable Debt Fund, requiring a cash transfer from the SIT of \$340,391.93

Finally, this ordinance also authorizes the 2019 Capital Improvement Budget (CIB) to be amended and the transfer of appropriation and cash between projects within the Information Services Taxable Debt Fund, to accommodate the expenditure authorized by this ordinance.

**EMERGENCY DESIGNATION**

Emergency designation is requested so that construction can begin and be completed soon.

**FISCAL IMPACT**

There is sufficient capital budget authority in the 2019 capital improvements budget for this project but insufficient cash in the (taxable) fund. Since tax-exempt bond moneys cannot be used for this project, a special income tax (SIT) fund certification is needed until the next bond sale. At that time, the SIT certification will be cancelled.

**CONTRACT COMPLIANCE**

Vendor Name: Harris and Heavener Excavating, Inc.

DAX No.: 017728

Contract Compliance No.: 31-1466823 Expires: 5-7-2020

To authorize and direct the City Auditor to appropriate and transfer \$340,391.93 from the Special Income Tax Fund to the Information Services Taxable Debt Fund; to authorize the Director of the Department of Technology to enter into contract with Harris and Heavener Excavating, Inc. for the installation of fiber optic cabling at nineteen locations to continue linking together the city's fiber optic pathway; to authorize the expenditure of \$1,003,629.03 from the Information Services Division, Capital Improvement Bond Fund; and to declare an emergency. (\$1,003,629.03).

**WHEREAS**, the Department has a robust fiber optic project plan in place; and

**WHEREAS**, on August 29, 2019, two bids were received in response to a bid solicitation for fiber installation related to the summer fiber project; and

**WHEREAS**, Harris and Heavener Excavating, Inc. was the lowest, responsible and responsive bid; and

**WHEREAS**, the Department has a desire to enter into contract with Harris and Heavener Excavating, Inc.; and

**WHEREAS**, it is necessary to amend the 2019 Capital Improvement Budget; and

**WHEREAS**, it is necessary to transfer funds from the Special Income Tax fund to fund this project; and

**WHEREAS**, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

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

**WHEREAS**, the aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$340,391.93; 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**, an emergency exists in the Department of Technology in that it is immediately necessary to appropriate to and transfer from the Special Income Tax fund and amend the 2019 capital improvements budget to facilitate entering into contract with the Harris and Heavener Excavating, Inc. for installation of fiber optic cable for the preservation of the public health, peace, property, safety and welfare; now therefore,

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

**SECTION 1.** 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 \$340,391.03 is appropriated in the Special Income Tax Fund 4430-443001 Object Class 10 as follows (see 2465-2019EXP):

**Dept./Div.:** 22-01 | **Fund** 4430 | **Sub fund:** 443001 | **Object Class:** 10 | **Main Account:** 69102 | **Program:** CW001 | **Amount:** \$340,391.93 |

**SECTION 2.** That the transfer and subsequent appropriation of \$340,391.93, or so much thereof as may be needed, is hereby authorized between Fund 4430-443001 Special Income Tax Fund and Fund 5115, Information Services Taxable Debt Fund, as follows (see 2465-2019EXP):

**TRANSFER FROM:**

**Dept./Div.:** 22-01 | **Fund** 4430 | **Sub fund:** 443001 | **Object Class:** 10 | **Main Account:** 69102 | **Program:** CW001 |

**Amount:** \$340,391.93|

**TRANSFER TO:**

**Dept./Div.:** 47-02| **Fund** 5115 | **Sub fund:** NA | **Object Class:** 80| **Main Account:** 49001| **Program:** CW001|**Project No.:** P470046-100000 Connectivity Project Fiber/Wireless |**Amount:** \$340,391.93|

**APPROPRIATION:**

**Dept./Div.:** 47-02| **Fund** 5115 | **Sub fund:** NA | **Object Class:** 06| **Main Account:** 66530| **Program:** CW001| **Project No.:** P470046-100000 Connectivity Project Fiber/Wireless |**Amount:** \$340,391.93|

**SECTION 3.** That upon obtaining funds for this project for the Director of Technology, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under SECTION 2.

**SECTION 4.** 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 \$340,391.93 (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 fund from which the advance for costs of the Project will be made.

**SECTION 5.** That the Director of the Department of Technology is hereby authorized to enter into contract with Harris and Heavener Excavating, Inc. for the installation of fiber optic cabling at nineteen (19) locations throughout the city in the amount of \$1,003,629.03 for a one year term, effective from the date of a certified purchase order from the City Auditor's Office.

**SECTION 6.** That the expenditure of \$1,003,629.03, or so much thereof as may be necessary, is hereby authorized to be expended from (see 2465-2019EXP):.

**Div.:** 47-02|**Fund:** 5115| **SubFund:** N/A| **Procurement Category:** Building and Facility Construction and Maintenance|  
**Project Name:** Connectivity Project Fiber/Wireless | **Project No.:**P470046-100000 |**Obj. Class:** 06 |**Main Account:** 66530 |**Program Code:** CW001 |**Amount:** \$1,003,629.03

**SECTION 7.** That the monies in the foregoing Sections shall be paid upon order of the Director of Finance and Management, and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

**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 make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

**SECTION 10.** That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account 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.

**SECTION 11.** That for the reason stated in the preamble hereto, which is hereby made a part hereof, this ordinance is

hereby 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.