



Legislation Text

File #: 0023-2020, **Version:** 1

BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a construction contract with Municipal & Contractors Sealing Products for the Bethel Road Culvert Rehabilitation Project, CIP 611700-100000. Work on this project consists of storm sewer rehabilitation that includes approximately 154 L.F. of 84” storm, 74 L.F. of 24” storm and 138 L.F. of 18” storm sewer, and other such work as may be necessary to complete the contract.

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).

Planning area is “99 - Citywide”.

PROJECT TIMELINE: Contract work is required to be completed in a manner acceptable to the City within 270 days from the date that a Notice To Proceed (NTP) is given by the City.

PROCUREMENT INFORMATION: The Department of Public Utilities advertised for competitive bids for the Bethel Road Culvert Rehabilitation Project in accordance with the provisions of Section 329 of Columbus City Codes. The bids were opened on December 4, 2019. The following two companies submitted bids for this project:

<u>Name</u>	<u>C.C. No./Exp. Date</u>	<u>DAX #</u>	<u>City/State</u>	<u>Status</u>
Municipal & Contractors Sealing Products	31-1692549 - 4/9/21	5805	Cincinnati, OH	MAJ
Proshot Concrete, Inc.	20-5269497 - 11/5/21	1421	Florence, AL	MAJ

The bids were evaluated using the bid tab and quality factor forms and it was determined that Municipal & Contractors Sealing Products was the lowest responsive, responsible, and best bid.

This company is not debarred according to the Federal Excluded Parties Listing or the State Auditor's Findings for Recovery Database.

CONTRACT COMPLIANCE No.: 31-1692549 | MAJ | Exp. 4/9/21 | DAX #5805

ECONOMIC IMPACT: Previous inspections have indicated that the 84" Corrugated Metal Pipe (CMP) culvert has structural defects and is in need of rehabilitation. This project will repair the structural integrity and hydraulic capability of the original culvert. As an addition to this project, the 24" CMP culvert south of Cooke Rd has also been included.

FISCAL IMPACT: This ordinance authorizes the appropriation and transfer of \$232,146.00 from the Storm Sewer Reserve Fund 6207 to the Ohio Water Development (OWDA) Storm Sewer Loan Fund 6211; authorizes the expenditure of up to \$232,146.00 from the OWDA Storm Sewer Loan Fund 6211; and authorizes the expenditure of up to \$2,000.00 from the Storm Sewer Bonds Fund 6204.

To authorize the Director of Public Utilities to enter into a construction contract with Municipal & Contractors Sealing Products for the Bethel Road Culvert Rehabilitation Project; to authorize an expenditure up to \$2,000.00 from the Storm Sewer Bonds Fund for prevailing wage services payable to the Department of Public Service; to authorize the

appropriation and transfer of \$232,146.00 from the Storm Sewer Reserve Fund to the Ohio Water Development (OWDA) Storm Sewer Loan Fund; and to authorize the expenditure of \$232,146.00 from the OWDA Storm Sewer Loan Fund; for the Division of Sewerage and Drainage, Stormwater Section. (\$234,146.00)

WHEREAS, the Department of Public Utilities advertised for competitive bids for the Bethel Road Culvert Rehabilitation Project on the City's Vendor Services website and in the City Bulletin in accordance with the overall provisions of Chapter 329 of the Columbus City Code; and

WHEREAS, two (2) companies submitted bids for this project and Municipal & Contractors Sealing Products was selected using the bid tabulation and quality factor process; and

WHEREAS, the Ohio Water Development Authority (OWDA) will approve an Ohio EPA WPCLF loan agreement with the City of Columbus in the February 2020 award period, in the amount of \$232,146.00 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 Storm Sewer Reserve Fund and to authorize the transfer of said funds to the OWDA Storm Sewer 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 Storm Sewer Reserve Fund; and

WHEREAS, it is necessary to authorize the transfer and expenditure of up to \$2,000.00 within the Storm Sewer Bonds Fund 6204 for prevailing wage services; and

WHEREAS, it is necessary to authorize the expenditure of up to \$232,146.00 from the OWDA Storm Sewer Loan Fund 6211; 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 Municipal & Contractors Sealing Products for the Bethel Road Culvert Rehabilitation Project, CIP 611700-100000 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 Municipal & Contractors Sealing Products, 7740 Reinhold Dr., Cincinnati, OH 45237; for the Bethel Road Culvert Rehabilitation Project pursuant to 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 Storm Sewer Reserve Fund 6207 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, 2020, the sum of \$232,146.00 is appropriated, per the account codes in the funding attachment to this ordinance.

SECTION 3. That the transfer of \$232,146.00 or so much thereof as may be needed, is hereby authorized between the Storm Sewer Reserve Fund 6207 and OWDA Storm Sewer Loan Fund 6211 per the accounting codes in the attachment to this ordinance.

SECTION 4. That the appropriation and expenditure of \$232,146.00, or so much thereof as may be needed, is hereby authorized in the OWDA Storm Sewer Loan Fund 6211 per the accounting codes in the attachment to this ordinance.

SECTION 5. That the expenditure of \$2,000.00 or so much thereof as may be needed, is hereby authorized in the Storm Sewer Bonds Fund 6204, in Object Class 06 - Capital Outlay, per the accounting codes in the attachment to this ordinance.

SECTION 6. That the said firm, Municipal & Contractors Sealing Products, 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 City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 9. 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 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 Storm Sewer Reserve Fund 6207 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 \$232,146.00 (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 Storm Sewer Reserve Fund 6207, 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.