



## Legislation Text

File #: 1882-2020, Version: 1

**1. BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with Fields Excavating, Inc. for the Blueprint Linden - Oakland Park / Medina Improvements Project, CIP No's 650870-100702 & 690236-100117, in an amount up to \$3,361,308.31. This is a joint project between the Division of Sewerage and Drainage and Division of Water and consists of constructing approximately 40 bio-retention basins and replacing 3,000 feet of water pipe in the project area.

This project serves the "40 - North Linden" community planning area and includes the following streets: Oakland Park, Medina Ave., Norwood St., Dresden St., Bremen St., Oaklawn Ave., Greenwich St., Melrose St., Milford Ave., E. Brighton Rd., Kenlawn St., E. North Broadway St., and E. Kenworth Rd.

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). An OWDA Loan award is expected September 2020. Federal Davis-Bacon Wage Rates and Requirements will apply.

Funds in the amount of \$2,000.00 will also be encumbered for prevailing wage services to the Department of Public Service.

**2. THE PROJECT TIMELINE:** Contract work is required to be completed in a manner acceptable to the City within 365 days from the date that a Notice to Proceed (NTP) is given by the City.

**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 29, 2020. Six (6) competitive bids were received. The following bidders submitted bids:

1.	Fields Excavating, Inc.	\$3,361,308.31
2.	Danbert, Inc.	\$3,939,194.04
3.	Facemyer Company	\$3,986,241.48
4.	Conie Construction Co.	\$4,446,949.06
5.	Trucco Construction Co., Inc.	\$4,487,353.90
6.	Sunesis Construction Co.	\$5,248,965.70

The selection process used the Bid Tab and Quality Factor Form evaluation process and the project was awarded to the lowest responsive, responsible and best bidder, Fields Excavating, Inc.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Fields Excavating, Inc.

**4. ECONOMIC/ENVIRONMENTAL IMPACT:** This project will capture and treat non-point source stormwater runoff using local contractors in order to improve water quality within the receiving streams. Several public meetings were conducted to incorporate stakeholder input into the project design.

The goal of the water line 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.

**5. FISCAL IMPACT:** Funding for this project will come from the Ohio Water Development (OWDA) Loan Fund, the Water G.O. Bonds Fund, and the Sanitary G.O. Bonds Fund.

This Ordinance authorizes the City Auditor to appropriate and transfer funds from the Sanitary Sewer Reserve Fund - Fund No. 6102 to the Ohio Water Development (OWDA) Loan Fund - Fund No. 6111 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 OWDA Loan Fund and reimburse the Sanitary Sewer Reserve Fund.

There are sufficient funds within the Sanitary G.O. Bonds Fund - Fund No. 6109 as well as the Water G.O. Bonds Fund - Fund No. 6006, however, an amendment to the 2019 Capital Improvements Budget is necessary.

To authorize the Director of Public Utilities to enter into a construction contract with Fields Excavating, Inc. for the Blueprint Linden - Oakland Park / Medina Improvements Project in an amount up to \$3,361,308.31; to authorize the appropriation and transfer of \$2,448,149.91 from the Sanitary Sewer Reserve Fund to the Ohio Water Development (OWDA) Loan Fund; to authorize the appropriation and expenditure of \$2,448,149.91 from the Ohio Water Development (OWDA) Loan Fund; to authorize an expenditure up to \$1,000.00 within the Sanitary General Obligations Voted Bonds Fund; to authorize an expenditure up to \$914,158.40 within the Water General Obligations Bonds Fund; and to amend the 2019 Capital Improvements Budget. (\$3,363,308.31)

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract with Fields Excavating, Inc. and to encumber and expend funds to provide for payment of prevailing wage services for the Division of Sewerage and Drainage's Blueprint Linden - Oakland Park / Medina Improvements Project; and

**WHEREAS**, it is necessary to both appropriate funds from the Sewer System Reserve Fund - Fund No. 6102 and to authorize the transfer of said funds to the OWDA Loan Fund - Fund No. 6111 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 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 expenditure up to \$2,448,149.91 within the OWDA Loan Fund - Fund, \$1,000.00 within the Sanitary G.O. Voted Bonds Fund, and \$914,158.40 within the Water G.O. Voted Bonds Fund; and

**WHEREAS**, it is necessary to authorize an amendment to the 2019 Capital Improvements Budget for purposes of providing sufficient funding and expenditure authority for the aforementioned project expenditures; 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 Fields Excavating, Inc. for the Blueprint Linden - Oakland Park / Medina Improvements Project CIP No's 650870-100702 & 690236-100117 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 Fields Excavating, Inc., 177 Township Rd. 191, Kitts Hill, Ohio 45645; for the Blueprint Linden - Oakland Park / Medina Improvements Project in accordance with the terms and conditions as shown in the agreement on file in the office of the Division of Sewerage and Drainage in an amount up to \$3,361,308.31; and to obtain the necessary prevailing wage services from the Department of Public Service up to a maximum amount of \$2,000.00.

**SECTION 2.** That from the unappropriated monies in the Sanitary Sewer Reserve Fund - 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, 2020, the sum of \$2,448,149.91 is appropriated in Fund 6102, per the account codes in the funding attachment to this ordinance.

**SECTION 3.** That the transfer of \$2,448,149.91 or so much thereof as may be needed, is hereby authorized between the Sanitary Sewer Reserve Fund - Fund No. 6102 and OWDA Loan Fund - Fund No. 6111 per the accounting codes in the attachment to this ordinance.

**SECTION 4.** That the 2019 Capital Improvements Budget is hereby amended in Fund No. 6006 - Water G.O. Bonds, as follows:

**Project No. | Project Name | Current Authority | Revised Authority | (Change)**

P690236-100113 (NEW) | Manchester Ave. Area WL Imp's | \$1,150,000 | \$ 235,842 | -\$914,158

P690236-100117 (NEW) | Oakland Park/Medina WL Imp's | \$180,388 | \$1,094,546 | +\$914,158

**Correction to authority (not related to this Ordinance):**

**Project No. | Project Name | Current Authority | Revised Authority | (Change)**

P690549-100011 (carryover) | Gen'l Constr.-CA-CI 2020-2022 | \$50,000 | \$150,000 | +\$100,000

**SECTION 5.** That the expenditure of \$3,363,308.31, or so much thereof as may be needed, is hereby authorized per the accounting codes in the attachment to this ordinance.

**SECTION 6.** That the said company, Fields Excavating, Inc., shall perform the work to the satisfaction of the Director of Public Utilities and the Administrators of the Division of Sewerage and Drainage and Division of Water.

**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 \$2,448,149.91 (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 - Fund No. 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.