



City of Columbus

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

Legislation Text

File #: 1914-2020, **Version:** 1

BACKGROUND: This legislation authorizes the Director of Public Utilities to enter into a construction contract with Facemyer Landscaping LLC for the Lehnert Farms/Bolton Field Storm Improvements Project, CIP 610788-100000. This project involves stormwater system improvements to the Lehnert Farm detention basin. This includes installing approximately 515' of 36" storm sewer and 535' of 42" storm sewer along Norton and Georgesville Road respectively. This project also involves significant modifications to the existing basin which will provide water quality benefits and improvements to maintenance access.

Planning area is "52 - Westland".

PROJECT TIMELINE: All work shall be substantially complete within 365 calendar days from the date that a Notice to Proceed (NTP) is given by the by the city. Final completion to occur within 730 calendar days from the date that a Notice to Proceed is given by the city.

PROCUREMENT INFORMATION: The Department of Public Utilities advertised for competitive bids for the Lehnert Farms/Bolton Field Storm Improvements Project in accordance with the provisions of Section 329 of Columbus City Codes. The bids were opened on July 8, 2020. The following five 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>
Facemyer Company	31-1757841/ 4/1/21	5926	Sunbury, OH	F1
Trucco Construction Company MAJ	31-1293605/ 2/12/22		4988	Columbus, OH
Sunesis Construction Co.	31-1323837/ 4/18/19	19623	West Chester, OH	MAJ
Shelly & Sands	31-4351261/ 2/21/22	6043	Columbus, OH	MAJ
Complete General	31-4366382/ 7/8/21	6056	Columbus, OH	MAJ

The bids were evaluated using the bid tab and quality factor forms and it was determined that Facemyer Landscaping LLC 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.: 31-1757841 | FBE | Exp. 4/1/21 | DAX #5926

EMERGENCY DESIGNATION: Emergency designation **is not** requested.

ECONOMIC IMPACT: The project provides economic impacts by reducing street, property and structural flooding from the existing stormwater detention basin by installing a secondary outlet. Additionally, environmental benefits will be provided from structural modifications and aquatic plantings to the basin which improve water quality.

FISCAL IMPACT: This ordinance authorizes the appropriation and transfer of \$1,590,208.15 from the Storm Sewer Reserve Fund 6207 to the Ohio Water Development (OWDA) Storm Sewer Loan Fund 6211; authorizes the expenditure of up to \$1,590,208.15 from the OWDA Storm Sewer Loan Fund 6211; and authorizes the transfer within and expenditure of up to \$2,000.00 from the Storm Sewer Bonds Fund 6204. An amendment to the 2019 Capital Improvement Budget is needed to provide sufficient authority.

To authorize the Director of Public Utilities to enter into a construction contract with Facemyer Landscaping LLC for the Lehnert Farms/Bolton Field Storm Improvements Project, to authorize the appropriation and transfer of \$1,590,208.15 from the Storm Sewer Reserve Fund to the Ohio Water Development Authority (OWDA) Storm Sewer Loan Fund; and to authorize the expenditure of \$1,590,208.15 from the Ohio Water Development Authority (OWDA) Storm Sewer Loan Fund; to amend the 2019 Capital Improvement Budget; to authorize the transfer within and expenditure of up to \$2,000.00 for the Department of Public Service to provide for Prevailing Wage Administration Costs for the Division of Sewerage and Drainage, Stormwater Section. (\$1,592,208.15)

WHEREAS, the Department of Public Utilities advertised for competitive bids for the Lehnert Farms/Bolton Field Storm Improvements 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, five (5) companies submitted bids for this project and Facemyer Landscaping Company 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 October 2020 award period, in the amount of \$1,590,208.15 to provide financing for the above listed project with eligible costs including the construction contract and contingency; and

WHEREAS, it is necessary 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, the aggregate principal amount of obligations which the City will issue to finance this project will not exceed \$1,590,208.15; and

WHEREAS, it is necessary to authorize the expenditure of up to \$1,590,208.15 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 is necessary to authorize the transfer within and expenditure of up to \$2,000.00 for Prevailing Wage Services to the Department of Public Service; and

WHEREAS, it is necessary to amend the 2019 Capital Improvement Budget in order to provide sufficient authority; 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 Facemyer Landscaping Company for the Lehnert Farms/Bolton Field Storm Improvements Project, CIP 610788-100000 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 Facemyer Landscaping Company, P.O. Box 304, Sunbury, Ohio 43074; for the Lehnert Farms/Bolton Field Storm Improvements 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 \$1,590,208.15 is appropriated, per the account codes in the funding attachment to this ordinance.

SECTION 3. That the transfer of \$1,590,208.15 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 \$1,590,208.15, 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 transfer within and expenditure of up to \$2,000.00 is authorized from the Storm Water Bond Fund 6204 per the accounting codes in the attachment to this ordinance.

SECTION 6. That the 2019 Capital Improvement Budget is amended as follows:

Fund	CIP#	Project Name	Current Authority	Revised Authority	Net Change
6211	610050-100000	Fountain Square Stormwater System Improvements	\$4,000,000	\$2,409,791	-\$1,590,209
6211	610788-100000	Lehnert Farms/Bolton Field Stormwater Improvements	\$0	\$1,590,209	+\$1,590,209
6204	611707-100000	2 nd Ave. Storm Improvements	\$7,688	\$5,793	-\$1,895
6204	610788-100000	Lehnert Farms Bolton Field	/\$105	/\$2,000	/\$1,895

SECTION 7. That the said firm, Facemyer Landscaping Company, shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

SECTION 8. 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 9. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 10. 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 11. 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 12. 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 13. 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 \$1,590,208.15 (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 14. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.