



## Legislation Text

File #: 2834-2020, Version: 1

**1.0 BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with 2K General Company for the Security Enhancements - 910 Dublin Road Project; in an amount up to \$1,138,800.00; for Division of Water Capital Improvements Project No. 690479-100002, Contract No. CT 1066 - Part 3.

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

This project provides for construction of security enhancements at the 910 Dublin Road Utilities Complex. Work consists of constructing or providing the following: a complete and fully functional digital video security system, including all cameras, servers, terminals, monitors, network switches, software, and extended maintenance agreement; expansion of an existing Matrix access security system for three (3) doors; renovations to the main entrance lobby and west stairwell entrance; site work including concrete-encased duct bank; and other such work as may be necessary to complete the contract in accordance with the drawings, technical specifications, and City of Columbus Construction and Material Specifications as set forth in the Invitation For Bid (IFB).

Planning Area: "68 - Dublin Road Corridor". Project location is 910 Dublin Rd., Columbus, Ohio 43215.

**2.0 ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT:** The 910 Dublin Road facility is home to the offices of the Director of Public Utilities, Division of Water Administrator, Water Distribution Control Center and the Water Quality Assurance Lab as well as other engineering and administrative and customer service offices. All of these entities are responsible for the treatment and distribution of regulatory compliant drinking water which is critical for any economic development within the greater Columbus area. This project will provide security for these functions. Due to the secure nature of this project no community outreach or input was sought. The selected Contractor is an Environmentally Preferred bidder.

**3.0 CONSTRUCTION CONTRACT AWARD:** The Director of Public Utilities publicly opened three (3) bids on November 4, 2020 from:

1.	2K General Company	\$1,138,800.00
2.	Elford, Inc.	\$1,647,859.20 (after bid tab correction)
3.	R.W. Setterlin Building Company	\$1,008,000.00*

\*The lowest bid, from R.W. Setterlin Building Company, was deemed Non-Responsive for listing a licensed subcontractor that was not prequalified.

**3.1 PRE-QUALIFICATION STATUS:** 2K General Company and all proposed subcontractors have met code requirements with respect to pre-qualification, pursuant to relevant sections of Columbus City Code Chapter 329.

2K General Company's bid was deemed the lowest, best, most responsive and responsible bid in the amount of \$1,138,800.00. Their Contract Compliance Number is 31-1653018 (expires 7/13/22, Majority) and their DAX Vendor Account No. is 5739. 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 2K General Company.

**4. EMERGENCY DESIGNATION:** It is requested that this Ordinance be handled in an emergency manner in order to maintain the current construction schedule and minimize project delays.

**5. FISCAL IMPACT:** The 2020 Bond Sale request includes \$1,800,000.00 for this project. Until proceeds from the Bond Sale are received, a transfer from the Water System Reserve Fund - Fund No. 6003 to the Water G.O. Bond Fund - Fund No. 6006 will be needed so the project can proceed. This transaction is only a temporary measure.

To authorize the Director of Public Utilities to enter into a construction contract with 2K General Company for the Security Enhancements - 910 Dublin Road Project; to authorize the appropriation and transfer of \$1,140,800.00 from the Water System Reserve Fund to the Water General Obligations Bond Fund; to authorize the appropriation and expenditure up to \$1,140,800.00 from the Water General Obligations Bond Fund; to provide for payment of prevailing wage services to the Department of Public Service; for the Division of Water; and to declare an emergency. (\$1,140,800.00)

**WHEREAS**, three (3) bids for the Security Enhancements - 910 Dublin Road Project were received and publicly opened in the offices of the Director of Public Utilities on November 4, 2020; and

**WHEREAS**, the lowest bid, from R.W. Setterlin Building Company, was deemed non-responsive for listing a licensed subcontractor that was not pre-qualified; and

**WHEREAS**, the lowest, best, most responsive and responsible bid was from 2K General Company in the amount of \$1,138,800.00; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to execute a construction contract and to encumber and expend funds to provide for payment of prevailing wage services associated with the Security Enhancements - 910 Dublin Road Project; and

**WHEREAS**, it is necessary to authorize the appropriation and transfer of \$1,140,800.00 from the Water System Reserve Fund - Fund No. 6003 to the Water G.O. Voted Bond Fund - Fund No. 6006 in order to temporarily fund this expenditure, until such time as the proceeds from the 2020 Bond Sale can be made available; 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 the appropriation and expenditure of up to \$1,140,800.00 within the Water G.O. Bonds Fund, for the Division of Water; 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 for the Security Enhancements - 910 Dublin Road Project, with 2K General Company, in an emergency manner in order to adhere to the construction schedule and minimize project delays; 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 be and hereby is authorized to enter into a construction contract for the Security Enhancements - 910 Dublin Road Project with 2K General Company (FID #31-1653018), 19 Gruber Street, Delaware, OH 43015; in an amount up to \$1,138,800.00 ; 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 related services from the Department of Public Service and to pay up to a maximum amount of \$2,000.00.

**SECTION 2.** That said contractor 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 ending December 31, 2021 the sum of \$1,140,800.00 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 \$1,140,800.00 or so much thereof as may be needed, is hereby authorized between Fund 6003 - Water System Reserve Fund and Fund 6006 - Water G.O. Bonds Fund, per the account codes in the attachment to this ordinance.

**SECTION 5.** That the appropriation and expenditure of \$1,140,800.00, or so much thereof as may be needed, is hereby authorized in Fund 6006 - Water G.O. Bonds Fund, in Object Class 06 - Capital Outlay, per the accounting codes in the attachment to this ordinance.

**SECTION 6.** 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 7.** 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 \$1,140,800.00 (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 - Fund 6003, which is the fund from which the advance for costs of the Project will be made.

**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 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 10.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**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 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.