



## Legislation Text

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**File #: 0830-2021, Version: 1**

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**1.0 BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into a construction contract with Kokosing Industrial, Inc. for the Hap Cremean Water Plant (HCWP) Intake Structure & Low Head Dam Improvements Project in an amount up to \$11,103,250.00; to encumber funds with the Department of Public Service for prevailing wage services in an amount up to \$2,000.00; for Capital Improvements Project No. 690511-100000, Division of Water Contract Number 2086.

This project will provide improvements to the existing Hap Cremean Water Plant intake structure and low head dam including: demolition and reconfiguration of the screening channels, new mechanical screening equipment, electrical systems as required for the improvements, heating and ventilation, plumbing, and instrumentation and controls; low head dam concrete repairs; creek dredging; creek bank stabilization; raw water conduit repairs; other associated site work; and all 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).

The Community Planning Area is 99 - Citywide since the HCWP services several Columbus communities.

**2.0 ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT:** This project will address aging infrastructure associated with the HCWP's low head dam and intake structure. The facilities have experienced structural and operational issues in the past due to normal wear and age related deterioration and many components are past their useful life. The HCWP is an essential and integral component in the Columbus area water supply. An adequate supply of safe water is essential to economic growth and development of the central Ohio area. Public informational meetings are not anticipated for this project, all proposed work should be within the boundaries of the water treatment facility. Regulatory agencies will be notified of the proposed work as appropriate.

**3.0 CONSTRUCTION CONTRACT AWARD:** The Director of Public Utilities publicly opened two (2) bids on March 18, 2021 from: Kokosing Industrial, Inc. and Bowen Engineering Corporation.

The second lowest bid, from Bowen Engineering Corporation, was deemed non-responsive for submitting a non-qualified licensed subcontractor.

Kokosing's bid was deemed the lowest, best, most responsive and responsible bid in the amount of \$11,103,250.00. Their Contract Compliance Number is 47-2946608 (expires 6/12/21, Majority) and their DAX Vendor No. is 12309. Additional information regarding both 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 Kokosing Industrial, Inc.

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

**4.0 EMERGENCY DESIGNATION:** Regulatory coordination / permit acquisition work was extensive and took longer than anticipated. Emergency legislation is needed to maintain the planned construction Notice to Proceed date, which is required to keep the construction work aligned with seasonal water plant production requirements and seasonal

creek flow considerations that impact work within the creek.

**5.0 FISCAL IMPACT:** This Ordinance authorizes the City Auditor to appropriate and transfer funds from the Water System Reserve Fund - Fund No. 6003 to the Water Supply Revolving Loan Account Fund - Fund No. 6011, 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 Water Supply Revolving Loan Account Fund and reimburse the Water System Reserve Fund. The loan is expected to be approved in May 2021.

A portion of funding will also come from the Water G.O. Voted Bonds Fund - Fund No. 6006 and has sufficient funding and budgetary authority.

An amendment to the 2020 Capital Improvements Budget will be necessary in the Water Supply Revolving Loan Account Fund - Fund No. 6011.

To authorize the Director of Public Utilities to enter into a construction contract with Kokosing Industrial, Inc. for the Hap Cremean Water Plant Intake Structure & Low Head Dam Improvements Project in an amount up to \$11,103,250.00; to encumber \$2,000.00 for prevailing wage services provided by the Department of Public Service; to authorize the appropriation and transfer of \$11,103,250.00 from the Water System Reserve Fund to the Water Supply Revolving Loan Account Fund; to authorize the appropriation and expenditure of \$11,103,250.00 within the Water Supply Revolving Loan Account Fund; to authorize an expenditure up to \$2,000.00 within the Water General Obligations Voted Bond Fund; for the Division of Water; to authorize an amendment of the 2020 Capital Improvements Budget; and to declare an emergency. (\$11,105,250.00)

**WHEREAS**, two (2) bids for the HCWP Intake Structure & Low Head Dam Improvements Project were received and publicly opened in the offices of the Director of Public Utilities on March 18, 2021; and

**WHEREAS**, the lowest, best, most responsive and responsible bid was from Kokosing Industrial, Inc. in the amount of \$11,103,250.00; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Utilities to award and execute a construction contract and to encumber and expend funds to provide for payment of prevailing wage services associated with the HCWP Intake Structure & Low Head Dam Improvements Project; and

**WHEREAS**, it is necessary to both appropriate funds from the Water System Reserve Fund and to authorize the transfer of said funds into the Water Supply Revolving Loan Account Fund in order to temporarily fund this expenditure, until such time as the City is able to execute a loan for the above stated purpose and reimburse the Water 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 of up to \$2,000.00 within the Water G.O. Bonds Fund; and

**WHEREAS**, it is necessary to authorize an amendment to the 2020 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditures; 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 with

Kokosing Industrial, Inc. for the HCWP Intake Structure & Low Head Dam Improvements Project, in an emergency manner to align the construction schedule with seasonal water plant production requirements, 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 is hereby authorized to enter into a construction contract for the HCWP Intake Structure & Low Head Dam Improvements Project with Kokosing Industrial, Inc. (FID #47-2946608), 6235 Westerville Road, Suite 200, Westerville, OH, 43081, in an amount up to \$11,103,250.00; 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 services from the Design and Construction Division and to pay up to a maximum amount of \$2,000.00.

**SECTION 2.** That said construction company 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 \$11,103,250.00 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 \$11,103,250.00, or so much thereof as may be needed, is hereby authorized between Fund 6003 - Water System Reserve Fund and Fund 6011 - Water Supply Revolving Loan Account Fund, per the account codes in the attachment to this ordinance.

**SECTION 5.** That the expenditure of \$11,103,250.00, or so much thereof as may be needed, is hereby authorized in Fund 6011 - Water Supply Revolving Loan Account Fund, in Object Class 06 - Capital Outlay, per the accounting codes in the attachment to this ordinance.

**SECTION 6.** That the expenditure of \$2,000.00, 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 7.** That the 2020 Capital Improvements Budget is hereby amended in Fund 6011 - Water Supply Revolving Loan Account Fund, per the accounting codes in the attachment to this ordinance.

**SECTION 8.** 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 9.** 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 \$11,103,250.00 (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 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 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 12.** That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

**SECTION 13.** 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 14.** 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.