



## Legislation Text

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**File #: 0008-2023, Version: 1**

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**1. BACKGROUND:** This legislation authorizes the Director of the Department of Public Utilities to enter into a contract with Ward & Burke Tunneling Inc. for the Intermodal Sanitary Subtrunk Extension, Phase 1 project in an amount up to \$23,889,051.75; 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. 650491-100007, Division of Sewerage & Drainage.

This project is an extension of the Intermodal Sanitary Subtrunk along Rickenbacker Parkway and Airbase Road from 3329 Thoroughbred Court to County Road 237. Phase 1 will construct approximately 7,500 feet and the majority of the installation will be a 54-inch diameter sewer constructed by tunneling methods.

Planning area = “99-Citywide”

**TIMELINE & FUTURE RENEWAL(S):** The duration of the contract for the Intermodal Sanitary Subtrunk Extension, Phase 1 project is expected to begin first quarter 2023 with an anticipated finish date in the second quarter of 2026.

**2. ECONOMIC IMPACT/ADVANTAGES; COMMUNITY OUTREACH; PROJECT DEVELOPMENT; ENVIRONMENTAL FACTORS/ADVANTAGES OF PROJECT:**

This project will extend sanitary sewer service further into the Northern Pickaway Joint Economic Development District (JEDD) by constructing a new sanitary subtrunk sewer from the planned terminus of the Lockbourne Intermodal Subtrunk easterly along Airbase Road to the JEDD's eastern service boundary near Walnut Creek.

This project will provide City sanitary sewer service to a quickly developing service area. This project will increase the water quality by eliminating potential ground water pollution by preventing the installation of package treatment systems. In addition, the project has economic benefits by increasing the sewer revenues, creating additional industrial/commercial development and new jobs.

**3. BID INFORMATION:** The Division advertised for competitive bids submission for the subject services 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. The Division of Sewerage and Drainage received three (3) bids on November 16, 2022 from the following:

1. Ward & Burke Tunneling Inc.
2. Super Excavators, Inc.
3. James W Fowler Co

**4. CONTRACT COMPLIANCE INFO:**

Ward & Burke Tunneling Inc.: 41-2282525, expires 12/8/2024, Majority, DAX No. 019865

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Ward & Burke Tunneling Inc.

**5. CITY OF COLUMBUS MINORITY AND WOMAN OWNED BUSINESS ENTERPRISE & SMALL LOCAL BUSINESS ENTERPRISE PROGRAM:**

This contract was bid with an anticipated City of Columbus MBE/WBE Program goal of 10% as assigned by the City's Office of Diversity and Inclusion (ODI). After review of the Utilization Plan and other related information the contractor submitted with their bid response, ODI has approved an MBE/WBE Program goal of 4.8% for this contract. Failure by the contractor to meet this goal subjects the contractor to the Penalties for Non-Compliance as described in the "City's Minority and Women-Owned Business Enterprise & Small Local Business Enterprise Program Manual" and any penalties stated in the bid documents.

**6. EMERGENCY DESIGNATION:**

Emergency designation **is requested** at this time so that project timelines and OWDA's funding schedules can be met.

**7. FISCAL IMPACT:** This Ordinance authorizes the City Auditor to appropriate and transfer funds from the Sanitary Sewer Reserve Fund 6102 to the Ohio Water Development (OWDA) Loan Fund 6111 in order to fund this 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. The loan award is expected in February 2023 when an OWDA Loan Account number will be assigned. Federal Davis-Bacon Wage Rates and Requirements will apply. Funding for Prevailing Wage Services (\$2,000.00) payable to the Department of Public Service will come from the Sanitary G.O. Fund 6109, and an amendment to the 2022 Capital Improvement Budget is necessary to align budget authority with the proper project.

To authorize the Director of the Department of Public Utilities to enter into a construction contract for the Intermodal Sanitary Subtrunk Extension, Phase 1 project with Ward & Burke Tunneling; to authorize the appropriation and transfer of up to \$23,889,051.75 from the Sanitary Sewer Reserve Fund to the Ohio Water Development Loan Fund; to authorize the expenditure of up to \$23,889,051.75 from the Ohio Water Development Loan Fund; to authorize an expenditure up to \$2,000.00 for prevailing wage services to the Department of Public Service within the Sanitary General Obligations Voted Bonds Fund; to amend the 2022 Capital Improvements Budget; and to declare an emergency. (\$23,891,051.75)

**WHEREAS** it is necessary to authorize the Director of Public Utilities to enter into a construction contract with Ward & Burke Tunneling Inc., for the Intermodal Sanitary Subtrunk Extension, Phase 1 project CIP 650491-100007; and

**WHEREAS**, it is necessary to both appropriate funds from the Sewer System Reserve Fund 6102 and to authorize the transfer of said funds to the OWDA Loan Fund 6111 in order to temporarily fund this expenditure until such time as the City receives loan proceeds for the above stated purpose and reimburses 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**, an expenditure within the Sanitary G.O. Bond Fund, Fund 6109, is needed to obtain the necessary prevailing wage services from the Department of Public Service up to a maximum amount of \$2,000.00, and

**WHEREAS**, it is necessary to authorize an amendment to the 2022 Capital Improvements Budget for the purpose of providing sufficient funding and expenditure authority for the aforementioned project expenditure; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately necessary to authorize the Director to enter into a construction contract with Ward & Burke Tunneling Inc. for the Intermodal Sanitary Subtrunk Extension, Phase 1 project CIP 650491-100007 in order to meet project deadlines and deliverables, and for the 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 the Department of Public Utilities be and hereby is authorized to enter into a construction contract for the Intermodal Sanitary Subtrunk Extension, Phase 1 project CIP 650491-100007, with the most responsive, responsible, and best bidder: Ward & Burke Tunneling Inc., 20 S 3rd Street, Suite 210; Columbus, OH 43215; in accordance with the terms and conditions as shown in the agreement on file in the office of the Division of Sewerage and Drainage; 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 the 2022 Capital Improvements Budget is amended, as authorized per the accounting codes in the attachment to this ordinance.

**SECTION 3.** That a transfer of funds of up to \$23,889,051.75 is authorized from the Sanitary Sewer Reserve Fund 6102 to the Ohio Water Development (OWDA) Loan Fund 6111 in order to fund this 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.

**SECTION 4.** That the appropriation and expenditure of up to \$23,891,051.75, or so much thereof as may be needed, is hereby authorized per the accounting codes in the attachment to this ordinance.

**SECTION 5.** 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 6102 the amount transferred under Section 3 above, and said funds are hereby deemed appropriated for such purpose.

**SECTION 6.** 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 \$23,889,051.75 (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 Sanitary Sewer Reserve Fund - Fund 6102, which is the fund from which the advance for costs of the Project will be made.

**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 make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

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

**SECTION 11.** That for the reasons stated in the preamble hereto, which is 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 (10) days after passage if the Mayor neither approves nor vetoes this Ordinance.

