



## Legislation Details (With Text)

**File #:** 1976-2022      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 6/30/2022      **In control:** Finance Committee

**On agenda:** 7/25/2022      **Final action:** 7/27/2022

**Title:** To amend the 2021 Capital Improvement Budget; to authorize the appropriation and transfer of funds from the Special Income Tax Fund to the Construction Management Taxable Bond Fund; to authorize the Director of Finance and Management to enter into a contract, on behalf of the Office of Construction Management, with 2K General Company towards North Market Interior and Exterior Renovation Project; to authorize the expenditure of up to \$2,627,000.00 from the Construction Management Taxable Bond Fund; and to declare an emergency (\$2,627,000.00).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. North Market Interior and Exterior Renovations Funding.pdf

Date	Ver.	Action By	Action	Result
7/27/2022	1	CITY CLERK	Attest	
7/26/2022	1	ACTING MAYOR	Signed	
7/25/2022	1	COUNCIL PRESIDENT	Signed	
7/25/2022	1	Columbus City Council	Approved	Pass

**BACKGROUND:** This legislation authorizes the Finance and Management Director to enter into an agreement on behalf of the Office of Construction Management with 2K General Company for the North Market Interior and Exterior Renovation Project. This building is owned by the City and North Market is a tenant.

The project involves both interior and exterior scopes of work. The interior scope will include removal of the paint of the first and second floor ceilings and repainting. It also will include upgrading the existing lighting to LED lighting and replacing the existing residential ceiling fans to commercial air circulation fans. The exterior scope will include tuck pointing the existing brick on all faces of the building and resealing around the existing windows. All four alternates in the bid are being accepted. The alternates include upgrading all four restrooms, and replacing the existing air curtains at each building entrance.

The Department of Finance and Management, Office of Construction Management, solicited bids that were formally advertised On May 23, 2022, the city received only one (1) response (0 AS1, 0 FBE, 0 MBE,) as follows:

Bidder/Consultant	City	FBE/MBE	Amount of Bid
2K General Company	Delaware	EBOCC	\$2,627,000.00

2K General Company submitted the only bid of \$2,627,000.00. The Office of Construction Management recommends the bid in the amount of \$2,627,000.00 be made to the sole responsive bidder, 2K General Company.

2K General Company Contract Compliance No. CC005739, expiration date June 14, 2024.

Emergency action is requested to complete the exterior portion of the scope of work so as to not hinder the start of construction of the new North Market Tower.

**Fiscal Impact:** This ordinance authorizes an expenditure of \$2,627,000.00 from the Construction Management Taxable Fund with 2K General Company for the North Market Interior and Exterior Renovation Project. . It is necessary to certify the requisite funds in the amount of \$1,178,723.83 against the Special Income Tax Fund.

To amend the 2021 Capital Improvement Budget; to authorize the appropriation and transfer of funds from the Special Income Tax Fund to the Construction Management Taxable Bond Fund; to authorize the Director of Finance and Management to enter into a contract, on behalf of the Office of Construction Management, with 2K General Company towards North Market Interior and Exterior Renovation Project; to authorize the expenditure of up to \$2,627,000.00 from the Construction Management Taxable Bond Fund; and to declare an emergency (\$2,627,000.00).

**WHEREAS**, pursuant to a Request for Bids solicited by the Office of Construction Management for the North Market Interior and Exterior Renovation Project, one firm submitted bid on June 14, 2022 and 2K General Company was the sole responsive bidder; and

**WHEREAS**, the Finance and Management Department, Office of Construction Management, desires to enter into contract with 2K General Company towards North Market Interior and Exterior Renovation Project; and

**WHEREAS**, it is necessary to authorize the appropriation and expenditure of \$2,627,000.00 in order for the Office of Construction Management to enter into a contract for North Market Interior and Exterior Renovation Project; and

**WHEREAS**, it is necessary to amend the 2021 Capital Improvement Budget to establish authority within the correct project; and

**WHEREAS**, it is necessary to transfer funds from the Special Income Tax Fund to fund this project; and

**WHEREAS**, the City will reimburse the Special Income Tax Fund; and

**WHEREAS**, this transfer should be considered as a temporary funding method; and

**WHEREAS**, the aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$2,627,000.00; and

**WHEREAS**, the City anticipates incurring 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**, an emergency exists in the usual daily operation of the Department of Finance and Management, Office of Construction Management, in that it is immediately necessary to authorize the Finance and Management Director to enter into a contract with 2K General Company for the North Market Interior and Exterior Renovation Project located at 59 Spruce Street so as to not hinder the start of construction of the new North Market Tower; **NOW, THEREFORE,**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Director of the Department of Finance and Management is hereby authorized to enter into a contract, on behalf of the Office of Construction Management, with 2K General Company for the North Market Interior and Exterior Renovation Project.

**SECTION 2.** That the 2021 Capital Improvement Budget authorized by ordinance 2707-2021 be amended as follows to

establish sufficient authority for this project:

**Project ID | Project Name | Current Authority | Revised Authority | Change**

**Fund**

**7733**

P570100-100000 | North Market - Interior & Exterior Renovations | \$1,448,277 | \$2,627,000 | \$1,178,723

**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 ended December 31, 2022, the sum of \$1,178,723.83 is appropriated in Fund 4430 (Special Income Tax), Dept-Div 2201 (City Auditor) in Object Class 10 (Transfer Out Operating) and in Fund 7732 (Construction Management Capital Improvement Fund), Dept-Div 4550 (Finance Director), Project P570100-100000 in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 4.** That the transfer of \$1,178,723.83, or so much thereof as may be needed, is hereby authorized from Fund 4430 (Special Income Tax Fund), Dept-Div 2201 (City Auditor) to Fund 7732 (Construction Management Taxable Bond Fund), Dept-Div 4550 (Finance Director) per the account codes in the attachment to this ordinance.

**SECTION 5.** That the expenditure of \$2,627,000, or so much thereof as may be necessary in regard to the action authorized in SECTION 1, is hereby authorized in Fund 7732 (Construction Management Capital Improvement Fund), Dept-Div 4550, Project P570100-100000 (North Market Interior and Exterior Renovations), in Object Class 06 (Capital Outlay), per the accounting codes in the attachment to this ordinance.

**SECTION 6.** That upon obtaining other funds for this project for the Office of Construction Management, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 2.

**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 \$2,627,000 (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 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 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 hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account 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.

**SECTION 11.** That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared an emergency measure and shall take effect and be enforced from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

