



Legislation Details (With Text)

File #: 1049-2011 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 6/24/2011 **In control:** Public Service & Transportation Committee

On agenda: 7/11/2011 **Final action:** 7/13/2011

Title: To authorize the Director of Public Service to modify and increase the contract for the construction of the Pedestrian Safety Improvements - Linden Area Traffic Management Plan with Decker Construction Company for the Division of Mobility Options; to authorize and direct the City Auditor to appropriate and transfer \$56,002.25 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate and authorize the expenditure of \$56,002.25 within the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$56,002.25).

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
7/13/2011	1	CITY CLERK	Attest	
7/12/2011	1	MAYOR	Signed	
7/11/2011	1	Columbus City Council	Approved	Pass
7/11/2011	1	COUNCIL PRESIDENT	Signed	
6/30/2011	1	ODI DIRECTOR	Reviewed and Approved	
6/30/2011	1	Service Drafter	Sent for Approval	
6/30/2011	1	Auditor Reviewer	Reviewed and Approved	
6/30/2011	1	CITY AUDITOR	Reviewed and Approved	
6/30/2011	1	Service Drafter	Sent for Approval	
6/30/2011	1	CITY ATTORNEY	Reviewed and Approved	
6/30/2011	1	Service Drafter	Sent to Clerk's Office for Council	
6/29/2011	1	FINANCE DIRECTOR	Reviewed and Approved	
6/29/2011	1	Service Drafter	Sent for Approval	
6/29/2011	1	EBOCO Reviewer	Sent for Approval	
6/28/2011	1	Finance Reviewer	Reviewed and Approved	
6/27/2011	1	Finance Reviewer	Reviewed and Approved	
6/24/2011	1	Service Drafter	Sent for Approval	
6/24/2011	1	Service Reviewer	Reviewed and Approved	
6/24/2011	1	SERVICE DIRECTOR	Reviewed and Approved	
6/24/2011	1	Service Drafter	Sent for Approval	

1. BACKGROUND

This legislation authorizes the Director of Public Service to modify and increase the construction contract with Decker Construction Company for the Pedestrian Safety Improvements - Linden Area Traffic Management Plan in an amount up to \$22,598.69. This ordinance also authorizes funding in an amount up to \$25,125.56 for work performed for the project by Division of Planning and Operation crews and additional inspection costs needed for the project in an amount up to \$8,278.00.

Work performed to date for this project includes the installation of several traffic calming features within the area of the Linden Area Traffic Management Plan including the installation of medians, chicanes, speed tables, curb ramps and sidewalks.

Work had been issued to the contractor in the form of task orders to construct recommendations of the Linden Area Traffic Management Plan beginning in 2007 until construction funds allotted in the contract were spent. The last task order was completed in 2009.

Work to be performed as part of this modification includes removal of traffic calming devices on Maize Road near Cooke Road, Blenheim Road and Moon Road and the traffic calming islands on Norris Drive between Maize Road and Karl Road. Removal of features include median removal, removal of signs and pavement markings, restoration of concrete base, asphalt surface and new pavement markings.

After further study and monitoring of installed traffic calming features, and with input from the neighborhood, the city will remove these traffic devices and the traffic calming islands on Norris Drive and Maize Road. Work is anticipated to be completed in 2011 prior to winter weather.

Costs for this modification are estimated based on quantities calculated for the modifications and using unit prices based on contractor rates and engineering estimates, contingency, inspection and city crew costs based on current material and labor rates.

The original contract amount	\$ 1,030,000.00	(EL007258, Ord. 1022-2007)
The total of Modification No. 1:	\$ 22,598.69	
The contract amount including all modifications:	\$ 1,052,598.69	

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Decker Construction Company.

2. CONTRACT COMPLIANCE

Decker Construction Company's contract compliance number is 310983557 and expires 10/20/11.

3. FISCAL IMPACT

Funding for this modification is available within the 2011 Capital Improvement Budget. The amount of this ordinance is \$56,002.25, which includes the contract modification amount of \$22,598.69, funding for work performed by City staff in the amount of \$25,125.56 and funding for additional construction inspection in the amount of \$8,278.00. This expense can be accommodated by appropriating and transferring funds needed in the amount of \$56,002.25 from the Special Income Tax Fund. Bonds have yet to be sold for the whole project, necessitating a certification of \$56,002.25 against the Special Income Tax Fund. Upon sale of bonds, this will be reimbursed.

4. EMERGENCY DESIGNATION

The Department of Public Service is requesting City Council to enact this legislation as an emergency measure, in order to allow for the work for this project to be done this construction season.

To authorize the Director of Public Service to modify and increase the contract for the construction of the Pedestrian Safety Improvements - Linden Area Traffic Management Plan with Decker Construction Company for the Division of Mobility Options; to authorize and direct the City Auditor to appropriate and transfer \$56,002.25 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate and authorize the expenditure of \$56,002.25 within the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$56,002.25).

WHEREAS, contract no. EL007258, in the amount of \$1,030,000.00 was authorized by ordinance no. 1022-2007, passed by City Council July 23, 2007, executed September 7, 2007 and approved by the City Attorney on September 11, 2007; and

WHEREAS, after further study and monitoring of traffic calming features on Maize Road and Norris Drive, and with input from the

neighborhood, the city will remove these traffic devices and the traffic calming islands; and

WHEREAS, the Department of Public Service has determined it to be in the City's best interest to modify the subject contract for purposes of removing these traffic devices and traffic calming islands; and

WHEREAS, this ordinance authorizes the first modification to the Pedestrian Safety Improvements - Linden Area Traffic Management Plan contract in the amount of \$22,598.69; and

WHEREAS, additional funds for construction inspection and administration and work performed by City staff is required; and

WHEREAS, the total contract amount including this modification is \$1,052,598.69; and

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

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

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

WHEREAS, the aggregate principal amount of obligations which the city will issue to finance this project is presently expected not to exceed \$56,002.25; 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, an emergency exists in the usual daily operation of the Department of Public Service, Division of Design and Mobility Options, in that the contract should be modified and increased immediately so that the work to be performed as part of this modification can be completed this year, thereby preserving the public health, peace, property, safety and welfare; now, therefore

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

SECTION 1. That the Director of Public Service be and is hereby authorized to modify and increase contract no. EL007258, with Decker Construction Company, 3040 McKinley Avenue, Columbus, OH 43204, by \$22,598.69 for additional work in accordance with the terms as shown on the modification on file in the Office of Support Services, which is hereby approved, and to provide funding for work performed by City staff in the amount of \$25,125.56 and funding for additional construction inspection in the amount of \$8,278.00.

SECTION 2. The sum of \$56,002.25 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, 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, 2011 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

SECTION 3. That the City Auditor is hereby authorized to transfer said funds to the Streets and Highways G.O. Bonds Fund, No. 704, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

SECTION 4. That \$56,002.25 is hereby appropriated within Fund 704, the Streets and Highways G.O. Bonds Fund, Dept-Div. 59-10, Division of Mobility Options as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount

704 / 590105-100004 / Pedestrian Safety Improvements - Linden Area Traffic Management Plan / 06-6600 / 740504 / \$56,002.25

SECTION 5. That the monies appropriated in the foregoing Section 4 shall be paid upon order of the Director of Public Service and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 6. That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 3 above.

SECTION 7. That the City Auditor is authorized to establish proper accounting project numbers, and to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds transferred in Section 3, above.

SECTION 8. 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 \$56,002.25 (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 9. All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

SECTION 10. That for the purpose of paying the cost of the contract, inspection, and reimbursement for City Staff work performed the sum of \$56,002.25 or so much thereof as may be needed, is hereby authorized to be expended from the Streets & Highways G.O. Bonds Fund, No. 704, for the Division of Mobility Options, Dept.-Div. 59-10

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 590105-100004 / Pedestrian Safety Improvements - Linden Area Traffic Management Plan / 06-6631 / 740504 / \$56,002.25

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 the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby 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.