



## Legislation Text

**File #: 1040-2011, Version: 1**

### 1. BACKGROUND:

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the Pedestrian Safety Improvements - Mt. Vernon Avenue-Weber Road-Kenny Road Sidewalks Project.

This project will construct sidewalks and associated handicap ramps on Kenny Road from Bricker Avenue to Ackerman Road, Weber Road from I-71 to Cleveland Avenue and Mt. Vernon Avenue from 5<sup>th</sup> Street to 6<sup>th</sup> Street (1.25 miles). Driveway approaches will be replaced as needed to meet ADA requirements. 1.25 miles of 5 foot and 7 foot wide sidewalk will be added or reconstructed in this project on both sides of Kenny Road, Weber Road and Mt. Vernon Avenue. 136 ADA ramps will be added or reconstructed in this project. Also, as part of this project, relocation of Division of Power and Water (Power) utility poles will require relocation. This ordinance establishes funding to reimburse the Division of Power and Water (Power) for this purpose. There are 25 bus stops and transit routes within the limits of this project. New sidewalks will fill in gaps where there are no sidewalks within the project limits. Pedestrian generators and destinations impacting the proposed project include Cranbrook School, Como Elementary School, Linden Elementary School, St. Patricks Elementary School.

The estimated Notice to Proceed date is August 8, 2011. The project was let by the Office of Support Services through vendor services. The contract length is 90 days from the notice to proceed date. 5 bids were received on June 16, 2011 (5 majority) and tabulated on June 17, 2011 as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Nickolas Savko & Sons, Inc.	\$621,668.08	Columbus, OH	Majority
G&G Cement Contractors, LLC	\$630,482.33	Columbus, OH	Majority
Columbus Asphalt Paving, Inc.	\$655,353.55	Gahanna, OH	Majority
Newcomer Concrete Services	\$734,759.69	Norwalk, OH	Majority
Decker Construction Company	\$771,666.78	Columbus, OH	Majority

Award is to be made to Nickolas M. Savko & Sons, as the lowest, best, most responsive and most responsible bidder.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Nickolas Savko & Sons, Inc.

### 2. CONTRACT COMPLIANCE

Nickolas Savko & Sons, Inc. contract compliance number is 310907362 and expires 3/3/13.

### 3. FISCAL IMPACT

Funding authority for this project is budgeted within the 2011 Capital Improvement Budget. This expense can be accommodated by appropriating and transferring funds needed in the amount of \$754,558.70 from the Special Income Tax Fund. Bonds have yet to be sold for the whole project, necessitating a certification of \$754,558.70 against the Special Income Tax Fund. Upon sale of bonds, this will be reimbursed.

### 4. EMERGENCY DESIGNATION.

Emergency action is requested in order to allow this project to begin at the earliest possible time this construction season to allow these sidewalks to be available to the public for the highest provision of pedestrian safety.

To authorize the Director of Public Service to enter into contract with Nickolas Savko & Sons, Inc. ; to provide for the payment of construction administration and inspection services; to provide for utility relocation expenses, in connection with the Pedestrian Safety Improvements - Mt. Vernon Avenue-Weber Road-Kenny Road Sidewalks Project; to authorize and direct the City Auditor to appropriate and transfer \$754,558.70 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$754,558.70 within the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$754,558.70 from the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$754,558.70)

**WHEREAS**, it is necessary to enter into contract for the Pedestrian Safety Improvements - Mt. Vernon Avenue-Weber Road-Kenny Road Sidewalks Project; and

**WHEREAS**, this project will construct sidewalks and associated handicap ramps on Kenny Road from Bricker Avenue to Ackerman Road, Weber Road from I-71 to Cleveland Avenue and Mt. Vernon Avenue from 5<sup>th</sup> Street to 6<sup>th</sup> Street. Drives will be replaced as needed to meet ADA requirements; and

**WHEREAS**, bids were received on June 16, 2011 and tabulated on June 17, 2011, for the Pedestrian Safety Improvements - Mt. Vernon Avenue-Weber Road-Kenny Road Sidewalks Project and a satisfactory bid has been received; and

**WHEREAS**, it is necessary to provide for construction inspection costs; and

**WHEREAS**, it is necessary to provide funding for reimbursement to the Division of Power and Water(Power) for utility relocation expenses; 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 \$754,558.70; 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").

**WHEREAS**, an emergency exists in the usual daily operation of the Division of Mobility Options in that the funding should be authorized immediately to construct these sidewalks at the earliest possible time and make sidewalks available for the highest pedestrian safety, 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 enter into contract with Nickolas Savko & Sons, Inc., 4636 Shuster Road, Columbus, Ohio 43214 for the construction of the Pedestrian Safety Improvements - Mt. Vernon Avenue-Weber Road-Kenny Road Sidewalks Project in the amount of \$621,668.08 or so much thereof as may be needed, for the Division of Mobility Options in accordance with the specifications and plans on file in the Office of Support Services, which are hereby approved; to obtain and pay for the necessary inspection costs associated with the project up to a maximum of \$124,333.62; and provide funding in the amount of \$8,557.00 for reimbursement to the Division of Power and Water(Power) for utility relocation expenses.

**SECTION 2.** The sum of \$754,558.70 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 \$754,558.70 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 / 590105-100053 / Pedestrian Safety Improvements - Mt. Vernon Avenue-Weber Road-Kenny Road Sidewalks Project / 06-6600 / 740553 / \$754,558.70

**SECTION 5.** That the monies appropriated in the foregoing Section 5 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 4 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 4, 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 \$754,558.70 (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 utility relocation reimbursement the sum of \$754,558.70 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 / 590105-100053 / Pedestrian Safety Improvements - Mt. Vernon Avenue-Weber Road-Kenny Road Sidewalks Project / 06-6621 / 740553 / \$754,558.70

**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.