



## Legislation Details (With Text)

**File #:** 2081-2023      **Version:** 1

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

**File created:** 7/3/2023      **In control:** Public Service & Transportation Committee

**On agenda:** 7/31/2023      **Final action:** 8/2/2023

**Title:** To amend the 2023 Capital Improvement budget; to authorize and direct the City Auditor to appropriate and transfer funds from the Special Income Tax Fund to the Streets and Highways Bond Fund; to appropriate funds within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into contract with Strawser Paving Company for the Resurfacing - 2023 Project 2; to authorize the expenditure of up to \$13,056,064.97 from the Streets and Highways Bonds Fund for the project; and to declare an emergency. (\$13,056,064.97)

**Sponsors:**

**Indexes:** MBE Participation, WBE Participation

**Code sections:**

**Attachments:** 1. Ord 2081-2023 Accounting Template.pdf, 2. Ord 2081-2023 sub report.pdf, 3. Ord 2081-2023 A1891 Resurfacing 2023 P2-Project Map\_FINAL.pdf

| Date      | Ver. | Action By             | Action   | Result |
|-----------|------|-----------------------|----------|--------|
| 8/2/2023  | 1    | ACTING CITY CLERK     | Attest   |        |
| 8/2/2023  | 1    | MAYOR                 | Signed   |        |
| 7/31/2023 | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 7/31/2023 | 1    | Columbus City Council | Approved | Pass   |

### 1. BACKGROUND

This ordinance authorizes the Director of Public Service to enter into contract with Strawser Paving Company for the Resurfacing - 2023 Project 2 and to provide payment for construction, construction administration and inspection services.

This contract repairs and resurfaces 71 city streets and constructs 333 - ADA curb ramps along those streets. The work consists of milling the existing pavement, overlaying with new asphalt concrete, minor curb replacement, and replacing identified curb and sidewalk areas associated with installing ADA curb ramps. The resurfacing work includes areas of full depth pavement repair. The project also includes street curb extensions for pedestrian enhancements, traffic calming and streets with only curb replacement, and other work as may be necessary to complete the contract in accordance with the plans and specifications set forth in the Bid Submittal Documents.

The estimated Notice to Proceed date is August 28, 2023. The project was let by the Office of Support Services through Vendor Services and Bid Express. Four bids were received on June 29, 2023, (all majority) and tabulated as follows:

| Company Name                   | Bid Amount      | City/State      | Majority/ODI Certification |
|--------------------------------|-----------------|-----------------|----------------------------|
| Strawser Paving Co, Inc.       | \$11,978,041.26 | Columbus, OH    | Majority                   |
| Shelly and Sands, Inc.         | \$12,011,658.90 | Columbus, OH    | Majority                   |
| Kokosing Construction Co, Inc. | \$12,021,783.13 | Westerville, OH | Majority                   |
| Decker Construction Company    | \$12,676,633.17 | Columbus, OH    | Majority                   |

Award is to be made to Strawser Paving Company as the lowest responsive and responsible and best bidder for their bid of \$11,978,041.26. The amount of construction administration and inspection services will be \$1,078,023.71. The total

legislated amount is \$13,056,064.97.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Strawser Paving Company.

As part of their bid Strawser Paving Company has proposed the following subcontractors to work on the project:

| <u>Company Name</u>         | <u>City/State</u>    | <u>Majority/ODI Certification</u> |
|-----------------------------|----------------------|-----------------------------------|
| Griffin Pavement Striping   | Columbus, OH         | Majority                          |
| Bituminous Pavement Systems | Columbus, OH         | Majority                          |
| The Paul Peterson Company   | Columbus, OH         | Majority                          |
| Axe Tree Service            | Marysville, OH       | Majority                          |
| Complete General            | Columbus, OH         | Majority                          |
| Mid-West Landscape          | Columbus, OH         | Majority                          |
| WL Markers                  | Columbus, OH         | Majority                          |
| Pavement Technology         | Cleveland, OH        | Majority                          |
| JRS Hauling                 | Canal Winchester, OH | MBE                               |
| MPC Trucking                | New Albany, OH       | MBE                               |
| JST Enterprises             | Bexley, OH           | WBE                               |
| Hurts Trucking & Demolition | Columbus, OH         | MBE                               |

## 2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Strawser Paving Company is CC006114 and expires 1/17/2025.

## 3. PRE-QUALIFICATION STATUS

Strawser Paving Company and all proposed subcontractors have met code requirements with respect to pre-qualification, pursuant to relevant sections of Columbus City Code Chapter 329.

## 4. FISCAL IMPACT

The Public Service funding for this project is budgeted within the 2023 Capital Improvements Budget, which has been approved by Council under Ordinance 1711-2023. The funds will not be available to Public Service until the proceeds of the bond sale are available. Therefore, it is necessary to certify the Public Service funds in the amount of \$13,056,064.97 against the Special Income Tax Fund, Fund 4430. An amendment to the 2023 Capital Improvements Budget is required to match cash received from the Special Income Tax Fund and also to establish sufficient budget authority for this project. Funds will need to be appropriated within the Special Income Tax fund and then transferred to the Streets and Highways Bond Fund where they will also need to be appropriated.

## 5. 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 8% as assigned by the City's Office of Diversity and Inclusion (ODI). After ODI's 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 5.79% 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 in the "City of Columbus MBE/WBE Program Special Provision" that were part of the bid documents for this contract.

## 6. EMERGENCY DESIGNATION

Emergency action is requested in order to meet the interim completion date of the project of November 30, 2023 to ensure the safety of the traveling public.

To amend the 2023 Capital Improvement budget; to authorize and direct the City Auditor to appropriate and transfer funds from the Special Income Tax Fund to the Streets and Highways Bond Fund; to appropriate funds within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into contract with Strawser Paving

Company for the Resurfacing - 2023 Project 2; to authorize the expenditure of up to \$13,056,064.97 from the Streets and Highways Bonds Fund for the project; and to declare an emergency. (\$13,056,064.97)

**WHEREAS**, the Department of Public Service is engaged in the Resurfacing - 2023 Project 2 project; and

**WHEREAS**, the work for this project consists of repair and resurfacing of 71 city streets and construction of 333 - ADA curb ramps along those streets. The work consists of milling the existing pavement, overlaying with new asphalt concrete, minor curb replacement, and replacing identified curb and sidewalk areas associated with installing ADA curb ramps. The resurfacing work includes areas of full depth pavement repair. The project also includes street curb extensions for pedestrian enhancements, traffic calming and streets with only curb replacement, and other work as may be necessary to complete the contract in accordance with the plans and specifications set forth in the Bid Submittal Documents; and

**WHEREAS**, Strawser Paving Company will be awarded the contract for the Resurfacing - 2023 Project 2 program; and

**WHEREAS**, the Department of Public Service requires funding to be available for the Resurfacing - 2023 Project 2 program for construction expense along with construction administration and inspection services; and

**WHEREAS**, it is necessary to amend the 2023 Capital Improvement Budget to establish authority within the correct project; and

**WHEREAS**, this contract opportunity was submitted to the City's Office of Diversity and Inclusion (ODI) for review and assignment of an MBE/WBE goal prior to bidding; and

**WHEREAS**, this contract was bid with an anticipated City of Columbus MBE/WBE Program goal of 8% as assigned by the City's Office of Diversity and Inclusion (ODI) and after ODI's 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 5.79% for this contract; and

**WHEREAS**, failure by the contractor to meet this goal subjects the contractor to the Penalties for Non-Compliance; and

**WHEREAS**, funds will need to be appropriated within Fund 4430 (Special Income Tax) and within Fund 7704 (Streets and Highways Bond Fund); and

**WHEREAS**, funds will need to be transferred from the Special Income Tax Fund to the Streets and Highways Bond Fund; 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 \$13,056,064.97; 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 in that it is immediately necessary to authorize the Director to enter into contract with Strawser Paving Company to meet the interim completion date of November 30, 2023 to ensure the safety of the traveling public, all for the immediate preservation of the public health, peace, property, safety and welfare; and **now therefore**,

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

**SECTION 1.** That the 2023 Capital Improvements Budget authorized by ordinance 1711-2023 be amended as follows to establish sufficient authority for this project:

**Fund / Project / Project Name / Current / Change / C.I.B. as Amended**

7704 / P530282-100051 / Resurfacing - Resurfacing Projects (Voted 2019 Debt SIT Supported) / \$20,000,000.00 / (\$13,056,065.00) / \$6,943,935.00 (Certifying against the SIT)

7704 / P530282-922023 / Resurfacing - 2023 Project 2 (Voted 2019 Debt SIT Supported) / \$0.00 / \$13,056,065.00 / \$13,056,065.00

**SECTION 2.** 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, 2023, the sum of \$13,056,064.97 is appropriated in Fund 4430 (Special Income Tax), Dept-Div 2201 (City Auditor), in Object Class 10 (Transfer Out) per the account codes in the attachment to this ordinance.

**SECTION 3.** That the transfer of \$13,056,064.97, or so much thereof as may be needed, is hereby authorized from Fund 4430 (Special Income Tax), Dept-Div 2201 (City Auditor) to Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5911 (Infrastructure Management) per the account codes in the attachment to this ordinance.

**SECTION 4.** 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, 2023, the sum of \$13,056,064.97 is appropriated in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5911 (Infrastructure Management), Project 530282-922023 (Resurfacing - 2023 Project 2), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 5** That the Director of Public Service be and is hereby authorized to enter into a construction services contract with Strawser Paving Company located at 1595 Frank Road, Columbus, OH, 43223, for the Resurfacing - 2023 Project 2 project in the amount of up to \$11,978,041.26 in accordance with the specifications and plans on file in the Office of Support Services, which are hereby approved; and to pay for necessary construction administration and inspection costs associated with the project up to a maximum of \$1,078,023.71.

**SECTION 6** That the expenditure of \$13,056,064.97, or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5911 (Infrastructure Management), Project 530282-922023 (Resurfacing - 2023 Project 2), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 7.** That the monies appropriated in the foregoing Section 2 and 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 8.** That upon obtaining other funds for this project for the Department of Public Service, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 3.

**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 \$13,056,064.97 (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 10.** Funds are hereby deemed appropriated and expenditures and transfers authorized to carry out the purposes of this ordinance and the City Auditor shall establish such accounting codes as necessary.

**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 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 13.** 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.