



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 4/10/2024 **In control:** Public Service & Transportation Committee

On agenda: 5/6/2024 **Final action:** 5/9/2024

Title: To amend the 2023 Capital Improvement budget; to authorize the transfer of funds within the Streets and Highways Bond Fund; to appropriate funds within the Community Development Act Fund; to authorize the Interim Director of Public Service to enter into contract with Shelly and Sands, Inc. for the Wheatland Avenue Improvements project; to authorize the expenditure of up to \$6,176,373.14 from the Streets and Highways Bond Fund and the Community Development Act Fund for the project; and to declare an emergency. (\$6,176,373.14)

Sponsors:

Indexes: WBE Participation

Code sections:

Attachments: 1. Ord. 1108-2024 Map, 2. Ord. 1108-2024 Subcontractors, 3. Ord. 1108-2024 Accounting Template

| Date | Ver. | Action By | Action | Result |
|----------|------|-----------------------|----------|--------|
| 5/9/2024 | 1 | ACTING CITY CLERK | Attest | |
| 5/7/2024 | 1 | MAYOR | Signed | |
| 5/6/2024 | 1 | COUNCIL PRESIDENT | Signed | |
| 5/6/2024 | 1 | Columbus City Council | Approved | Pass |

1. BACKGROUND

This ordinance authorizes the Interim Director of Public Service to enter into contract with Shelly and Sands, Inc. for the Wheatland Avenue Improvements project and to provide payment for construction, construction administration and inspection services.

This contract includes improvements to Wheatland Avenue to convert the roadway to two-way traffic within the project limits. Improvements include concrete curbs, walks, storm sewer, bioretention basin, trees, street lighting, and electric transmission and distribution lines. The existing utility poles and lines will be relocated farther east to provide space for the widening, 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.

This project was awarded funds from the Community Development Block Grant (CDBG) Entitlement Program which provides annual grants on a formula basis to entitled cities and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. The amount needed for this contract is included in the City’s current Action Plan for the Community Development Block Grant Wheatland Avenue Street Improvements Project as established in ordinance 2993-2023.

The estimated Notice to Proceed date is May 24, 2024. The project was let by the Office of Support Services through Vendor Services and Bid Express. Four bids were received on March 28, 2024, (all majority) and tabulated as follows:

| Company Name | Bid Amount | City/State | Majority/ODI Certification |
|-----------------------------|----------------|--------------|----------------------------|
| Shelly and Sands, Inc. | \$5,614,884.67 | Columbus, OH | Majority |
| Decker Construction Company | \$5,743,471.00 | Columbus, OH | Majority |

| | | | |
|-------------------------------|----------------|--------------|----------|
| Trucco Construction Co., Inc. | \$6,222,892.06 | Delaware, OH | Majority |
| Complete General Construction | \$6,250,481.36 | Columbus, OH | Majority |

Award is to be made to Shelly and Sands, Inc. as the lowest responsive and responsible and best bidder for their bid of \$5,614,884.67. The amount of construction administration and inspection services will be \$561,488.47. The total legislated amount is \$6,176,373.14.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Shelly and Sands, Inc.

The certification of Shelly and Sands, Inc. and all associated subcontractors was in good standing at the time the bid was awarded.

As part of their bid Shelly and Sands, Inc. has proposed the following subcontractors to work on the project:

| <u>Company Name</u> | <u>City/State</u> | <u>Majority/ODI Certification</u> |
|---------------------------------|-------------------|-----------------------------------|
| CAP-Stone & Associates, Inc. | Columbus, Ohio | WBE |
| Boca Construction, Inc. | Columbus, Ohio | MAJ |
| Complete Clearing, Inc. | Columbus, Ohio | MAJ |
| Concrete Cutting & Breaking Co. | Columbus, Ohio | MAJ |
| Danbert Electrical Corporation | Plain City, Ohio | MAJ |
| Dresden Landscaping, Ltd. | Columbus, Ohio | MAJ |
| Griffin Pavement Striping, LLC | Columbus, Ohio | MAJ |
| M.P. Dory Co. | Columbus, Ohio | MAJ |
| McCoy Piping Services | Columbus, Ohio | MAJ |
| The Paul Peterson Company | Columbus, Ohio | MAJ |
| Strawser Construction Inc. | Columbus, Ohio | MAJ |

2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Shelly and Sands, Inc. is CC006043 and expires 01/29/2026.

3. PRE-QUALIFICATION STATUS

Shelly and Sands, Inc. 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

A reimbursable grant in the Community Development Act Fund, Fund 2248, provided by the U.S. Department of Housing and Urban Development (HUD), in the amount of \$2,795,000.00 will fund a portion of the construction for this project. Funds will need to be appropriated.

The remaining balance in the amount of \$3,381,373.14, is available and appropriated within the Streets and Highways Bond Fund, Fund 7704. An amendment to the 2023 Capital Improvement Budget and a transfer of cash and appropriation is necessary to align budget authority with the proper project. Funds are appropriated.

5. MINORITY AND WOMAN OWNED BUSINESS ENTERPRISE and SMALL LOCAL BUSINESS ENTERPRISE PROGRAM

This contract was bid with a City of Columbus MBE/WBE Program goal of 10% as assigned by the City’s Office of Diversity and Inclusion (ODI). 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 and 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 because all CDBG funds must be spent and paid by mid-October to meet the HUD timeliness test; if the timeline test fails, the City is subject to a reduction in funding for future years; emergency passage will ensure the maximum amount of time to complete the work.

To amend the 2023 Capital Improvement budget; to authorize the transfer of funds within the Streets and Highways Bond Fund; to appropriate funds within the Community Development Act Fund; to authorize the Interim Director of Public Service to enter into contract with Shelly and Sands, Inc. for the Wheatland Avenue Improvements project; to authorize the expenditure of up to \$6,176,373.14 from the Streets and Highways Bond Fund and the Community Development Act Fund for the project; and to declare an emergency. (\$6,176,373.14)

WHEREAS, the Department of Public Service is engaged in the Wheatland Avenue Improvements project; and

WHEREAS, the work for this project consists of improvements to Wheatland Avenue to convert the roadway to two-way traffic within the project limits. Improvements include concrete curbs, walks, storm sewer, bioretention basin, trees, street lighting, and electric transmission and distribution lines. The existing utility poles and lines will be relocated farther east to provide space for the widening; 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, Shelly and Sands, Inc. will be awarded the contract for the Wheatland Avenue Improvements project; and

WHEREAS, the Department of Public Service requires funding to be available for the Wheatland Avenue Improvements project for construction expense along with construction administration and inspection services; and

WHEREAS, a reimbursable grant in the Community Development Act Fund, Fund 2248, provided by the U.S. Department of Housing and Urban Development (HUD), in the amount of \$2,795,000.00 will fund a portion of the construction for this project.; and

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

WHEREAS, it is necessary to authorize a transfer of funds and appropriation within Fund 7704, the Streets and Highways Bond Fund to establish sufficient cash to pay for the project; and

WHEREAS, funds will need to be appropriated within the Community Development Act Fund, Fund 2248; and

WHEREAS, funds will be expended from the Community Development Block Grant Fund, Fund 2248 and the Streets and Highways Bond Fund, Fund 7704, to pay for the 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 a City of Columbus MBE/WBE Program goal of 10% as assigned by the City's Office of Diversity and Inclusion (ODI); and

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

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to enter into contract with Shelly and Sands, Inc. because all CDBG funds must be spent and paid by mid-October to meet the HUD timeliness test; if the timeline test fails, the City is subject to a reduction in funding for future years; emergency passage will ensure the maximum amount of time to complete the work; **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 / P440005-100000 / UIRF - Urban Infrastructure Recovery Fund (Voted Carryover) / \$2,942,044.00 / (\$1,303,731.00) / \$1,638,313.00

7704 / P530303-100002 / Wheatland Avenue Improvements (Voted Carryover) / \$2,150,001.00 / \$1,303,731.00 / \$3,453,732.00

SECTION 2. That the transfer of \$1,303,731.34, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5912 (Design and Construction), Project P440005-100000 (UIRF - Urban Infrastructure Recovery Fund), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P530303-100002 (Wheatland Avenue Improvements), Object Class 06 (Capital Outlay) between projects per the account codes in the attachment to this ordinance.

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, 2024, the sum of \$2,795,000.00 is appropriated in Fund 2248 (Community Development Act Fund), Dept-Div 5912 (Design and Construction) in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 4. That the Interim Director of Public Service be and is hereby authorized to enter into a construction services contract with Shelly and Sands, Inc., 1515 Harmon Avenue, Columbus, Ohio 43223, for the Wheatland Avenue Improvements project in the amount of up to \$5,614,884.67 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 \$561,488.47.

SECTION 5. That the expenditure of \$2,795,000.00, or so much thereof as may be needed, is hereby authorized in Fund 2248 (Community Development Act Fund), Dept-Div 5912 (Design and Construction), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 6. That the expenditure of \$3,381,373.14, or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5912 (Design and Construction), Project P530303-100002 (Wheatland Avenue Improvements), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 7. 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 8. 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 9. 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 10. 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.