



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 4/11/2024 **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 authorize the Interim Director of Public Service to enter into contract with Complete General Construction Company for the Intersection - Cleveland Avenue at Myrtle Avenue project; to authorize the expenditure of up to \$1,250,567.84 from the Streets and Highways Bond Fund and the Community Development Act Fund for the project; and to declare an emergency. (\$1,250,567.84)

Sponsors:

Indexes: WBE Participation

Code sections:

Attachments: 1. Ord. 1123-2024 Accounting Template, 2. Ord. 1123-2024 Project_Map, 3. Ord. 1123-2024 Subcontractors

| 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 Director of Public Service to enter into contract with Complete General Construction Company for the Intersection - Cleveland Avenue at Myrtle Avenue project and to provide payment for construction, construction administration and inspection services.

This contract includes the realignment of Cleveland Avenue through the intersection with Myrtle Avenue. Work includes curb removal and installation, resurfacing, full signal replacement, reinstallation of interconnect, relocation of street lighting and power lines, water line lowering, and installation of storm sewer down Myrtle Avenue, 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 Intersection - Cleveland Avenue at Myrtle Avenue 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. Two bids were received on March 19, 2024, (both majority) and tabulated as follows:

| Company Name | Bid Amount | City/State | Majority/ODI Certification |
|-----------------------------------|----------------|--------------|----------------------------|
| Complete General Construction Co. | \$1,116,578.43 | Columbus, OH | Majority |

Danbert Electric Corporation \$1,150,411.00 Plain City, OH Majority

Award is to be made to Complete General Construction Company as the lowest responsive and responsible and best bidder for their bid of \$1,116,578.43. The amount of construction administration and inspection services will be \$133,989.41. The total legislated amount is \$1,250,567.84.

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

The certification of Complete General Construction Company and all associated subcontractors was in good standing at the time the bid was awarded.

As part of their bid Complete General Construction Company 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 |
| The Paul Peterson Company | Columbus, Ohio | MAJ |
| Griffin Pavement Striping, LLC | Columbus, Ohio | MAJ |

2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Complete General Construction Company is CC006056 and expires 5/10/25.

3. PRE-QUALIFICATION STATUS

Complete General Construction 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

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 \$275,597.80 will fund a portion of the construction for this project. Funds will need to be appropriated.

The remaining balance in the amount of \$974,970.04, 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 & 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 & 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 authorize the Interim Director of Public Service to enter into contract with Complete General Construction Company for the Intersection - Cleveland Avenue at Myrtle Avenue project; to authorize the expenditure of up to \$1,250,567.84 from the Streets and Highways Bond Fund and the Community Development Act Fund for the project; and

to declare an emergency. (\$1,250,567.84)

WHEREAS, the Department of Public Service is engaged in the Intersection - Cleveland Avenue at Myrtle Avenue project; and

WHEREAS, the work for this project consists of the realignment of Cleveland Avenue through the intersection with Myrtle Avenue. Work includes curb removal and installation, resurfacing, full signal replacement, reinstallation of interconnect, relocation of street lighting and power lines, water line lowering, and installation of storm sewer down Myrtle Avenue, 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, Complete General Construction Company will be awarded the contract for the Intersection - Cleveland Avenue at Myrtle Avenue project; and

WHEREAS, the Department of Public Service requires funding to be available for the Intersection - Cleveland Avenue at Myrtle Avenue project 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, 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 Complete General Construction Company 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) / \$1,638,313.00 / (\$974,971.00) / \$663,342.00

7704 / P538024-100000 / Intersection - Cleveland Avenue at Myrtle Avenue (Voted Carryover) / \$0.00 / \$974,971.00 / \$974,971.00

SECTION 2. That the transfer of \$974,970.04, 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 P538024-100000 (Intersection - Cleveland Avenue at Myrtle Avenue), 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 \$275,597.80 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 Complete General Construction Company, 1221 East 5th Avenue, Columbus, Ohio 43219, for the Intersection - Cleveland Avenue at Myrtle Avenue project in the amount of up to \$1,116,578.43 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 \$133,989.41.

SECTION 5. That the expenditure of \$275,597.80, 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 \$974,970.04, 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 P538024-100000 (Intersection - Cleveland Avenue at Myrtle Avenue), 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.