



## Legislation Details (With Text)

**File #:** 1885-2024      **Version:** 1

**Type:** Ordinance      **Status:** Council Office for Signature

**File created:** 6/21/2024      **In control:** Public Service & Transportation Committee

**On agenda:** 7/15/2024      **Final action:**

**Title:** To authorize the transfer of funds within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into contract with Shelly and Sands, Inc. for the Resurfacing - 2024 Project 1 project; to authorize the expenditure of up to \$16,746,150.74 from the Streets and Highways Bond Fund for the project; and to declare an emergency. (\$16,746,150.74)

**Sponsors:**

**Indexes:** WBE Participation

**Code sections:**

**Attachments:** 1. Ord. 1885-2024, 2. Ord. 1885-2024 Subcontractors, 3. Ord. 1885-2024 Project Boundary Maps

Date	Ver.	Action By	Action	Result
7/15/2024	1	Columbus City Council		

### 1. BACKGROUND

This ordinance authorizes the Director of Public Service to enter into contract with Shelly and Sands, Inc. for the Resurfacing - 2024 Project 1 project and to provide payment for construction, construction administration and inspection services.

This contract includes the repair and resurfacing of 97 city streets and constructs 442 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 project also includes cold in place recycling of asphalt pavement on identified streets. The resurfacing work includes areas of full depth pavement repair, 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 12, 2024. The project was let by the Office of Support Services through Vendor Services and Bid Express. Four bids were received on June 18, 2024, (all majority) and tabulated as follows:

Company Name	Bid Amount	City/State	Majority/ODI Certification
Shelly and Sands, Inc.	\$15,363,441.05	Columbus, Ohio	Majority
Kokosing Construction Company, Inc.	\$15,932,770.61	Westerville, Ohio	Majority
Decker Construction Company	\$16,005,131.80	Columbus, Ohio	Majority
Strawser Paving Company	\$16,443,073.14	Columbus, Ohio	Majority

Award is to be made to Shelly and Sands, Inc. as the lowest responsive and responsible and best bidder for their bid of \$15,363,441.05. The amount of construction administration and inspection services will be \$1,382,709.69. The total legislated amount is \$16,746,150.74.

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
Griffin Pavement Striping, LLC	Columbus, Ohio	MAJ
The Paul Peterson Company	Columbus, Ohio	MAJ
M.P. Dory Co.	Columbus, Ohio	MAJ
U.S. Utility Contractor Company	Perrysburg, Ohio	WBE
W.L. Markers, Inc.	Columbus, Ohio	MAJ
Decker Construction Company	Columbus, Ohio	MAJ
Bituminous Pavement Systems, LLC	Columbus, Ohio	MAJ
MS Trucking	Lockbourne, Ohio	WBE
Pavement Technology Inc.	Westlake, Ohio	MAJ
Specialized Construction Incorporated	Cuyahoga Heights, Ohio	MAJ
Boca Construction	Norwalk, Ohio	MAJ

**2. CONTRACT COMPLIANCE INFORMATION**

The contract compliance number for Shelly and Sands, Inc. is CC006043 and expires 1/29/2026.

**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**

Funding for this contract is budgeted, available, and appropriated within the Streets and Highways Bond Fund, Fund 7704. A transfer of cash and appropriation is necessary to align budget authority with the proper project.

**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 8% 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 in order to meet the interim completion dates of the project of November 8, 2024 and November 15, 2024 to ensure the safety of the traveling public.

To authorize the transfer of funds within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into contract with Shelly and Sands, Inc. for the Resurfacing - 2024 Project 1 project; to authorize the expenditure of up to \$16,746,150.74 from the Streets and Highways Bond Fund for the project; and to declare an emergency. (\$16,746,150.74)

**WHEREAS**, the Department of Public Service is engaged in the Resurfacing - 2024 Project 1 project; and

**WHEREAS**, the work for this project consists of the repair and resurfacing of 97 city streets and constructs 442 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 project also includes cold in place recycling of asphalt pavement on identified streets. The resurfacing work includes areas of full depth pavement repair; 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 Resurfacing - 2024 Project 1 project; and

**WHEREAS**, the Department of Public Service requires funding to be available for the Resurfacing - 2024 Project 1 project for construction expense along with construction administration and inspection services; and

**WHEREAS**, it is necessary for Council to authorize a transfer of funds within Fund 7704, the Streets and Highways Bond Fund, to establish sufficient cash 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 8% 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 authorize the Director to enter into contract with Shelly and Sands, Inc. to ensure the safety of the traveling public and to meet completion dates of the project of November 8, 2024 and November 15, 2024, all for the immediate preservation of 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 transfer of \$646,052.54, 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 P440104-100040 (Miscellaneous Developments - Vision Zero Action Plan Implementation), Object Class 06 (Capital Outlay) to Dept-Div 5911 (Infrastructure Management), Project P530282-912024 (Resurfacing 2024 Project 1), Object Class 06 (Capital Outlay) between projects per the account codes in the attachment to this ordinance.

**SECTION 2.** That the 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 Resurfacing - 2024 Project 1 project in the amount of up to \$15,363,441.05 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 \$1,382,709.69.

**SECTION 3.** That the expenditure of \$16,746,150.74, 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 P530282-912024 (Resurfacing 2024 Project 1), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 4.** 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 5.** 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 6.** 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 7.** 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.