



Legislation Details (With Text)

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On agenda: 6/24/2024 **Final action:** 6/26/2024

Title: To amend the 2023 Capital Improvement budget; to appropriate funds received from N.P. Capital Management Corp. in connection to the Roadway - Ceres Drive - Polaris Parkway to Ikea Way project; to authorize the Director of Public Service to enter into contract with Shelly & Sands, Inc. for the project; to authorize the expenditure of up to \$1,788,541.59 from the Street and Highway Non-Bond Fund for the project; to refund any unused construction, construction inspection, and administration funds upon final acceptance of work; and to declare an emergency. (\$1,788,541.59)

Sponsors:

Indexes: MBE Participation

Code sections:

Attachments: 1. Ord. 1551-2024 Acct Template, 2. Ord. 1551-2024 Project Map, 3. Ord. 1551-2024 Subcontractors

Date	Ver.	Action By	Action	Result
6/26/2024	1	CITY CLERK	Attest	
6/25/2024	1	MAYOR	Signed	
6/24/2024	1	COUNCIL PRESIDENT	Signed	
6/24/2024	1	Columbus City Council	Approved	Pass

1. BACKGROUND

This ordinance authorizes: 1) the Director of Public Service to accept deposits from N.P. Capital Management Corp. to be used for construction, construction inspection, and administration of the Roadway - Ceres Drive - Polaris Parkway to Ikea Way project; 2) the establishment of Auditor’s Certificates for the payment of construction, construction inspection, and administration services of the project; and 3) the expenditure of funds for the aforementioned purpose. It also authorizes the refund of any unused funds deposited by N.P. Capital Management Corp., or the acceptance of additional funding from N.P. Capital Management Corp. should the aforementioned sum prove insufficient, to pay the actual costs for construction, construction inspection, and administration for this project upon the completion of final accounting for the Roadway - Ceres Drive - Polaris Parkway to Ikea Way project or when the Department of Public Service determines remaining funds are no longer needed for construction, construction inspection, and administration for the project.

This contract includes a plan to realign and reconstruct Ceres Drive from its intersection with Polaris Parkway to Ikea Way. The roadway will consist of 3 lanes including a two-way left turn lane, except for the section through the conservation easement and over the existing 72" storm culvert where it will narrow to 2 lanes. Ceres Drive will be constructed with full-depth pavement, curb and gutter, sidewalks, street lighting, storm sewer and street trees, 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.

N.P. Capital Management Corp. recently deposited \$1,788,541.59 with the City Treasurer to support the performance of those services. Ordinances 2622-2020 and 1909-2023 authorized the execution of a Construction Reimbursement Agreement for this project.

The estimated Notice to Proceed date is July 24, 2024. The project was let by the Office of Support Services through Vendor Services and Bid Express. Five bids were received on April 30, 2024, (all majority) and tabulated as follows:

<u>Company Name</u>	<u>Bid Amount</u>	<u>City/State</u>	<u>Majority/ODI Certification</u>
Shelly and Sands, Inc.	\$1,625,946.90	Columbus, OH	Majority
Double Z Construction Company	\$1,627,663.20	Columbus, OH	Majority
Strawser Paving Company	\$1,630,615.38	Columbus, OH	Majority
Boss Excavating and Grading, Inc.	\$1,808,607.22	Columbus, OH	Majority
Complete General Construction Co.	\$2,016,142.43	Columbus, OH	Majority

Award is to be made to Shelly & Sands, Inc. as the lowest responsive and responsible and best bidder for their bid of \$1,625,946.90. The amount of construction inspection and administration services will be \$162,594.69. The total legislated amount is \$1,788,541.59.

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

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

As part of their bid Shelly & 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>
Complete Clearing, Inc.	Marengo, Ohio	MAJ
Danbert Electrical Corporation	Plain City, Ohio	MAJ
Dresden Landscaping, LTD.	Dresden, Ohio	MAJ
W.L. Markers, Inc.	Columbus, Ohio	MAJ
Hurt's Trucking & Demolition, LLC.	Marysville, Ohio	MBE
The Paul Peterson Company	Columbus, Ohio	MAJ
Griffin Pavement Striping, LLC	Columbus, Ohio	MAJ
Environmental Management & Consulting, Inc.	Plain City, Ohio	MAJ
M.P. Dory Co.	Columbus, Ohio	MAJ
TFR Construction, LLC	Columbus, Ohio	MBE

2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Shelly & Sands, Inc. is CC006043 and expires 1/29/26.

3. PRE-QUALIFICATION STATUS

Shelly & 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

The City has received funding in the amount of \$1,788,541.59 from N.P. Capital Management Corp. for the construction, construction inspection, and administration expenses and deposited said funds in Fund 7766, the Street and Highway Non-Bond Fund, Project P531033-100000 (Roadway - Ceres Drive - Polaris Parkway to Ikea Way). It is necessary to amend the 2023 Capital Improvement Budget to establish sufficient budget authority for this project. The funds need to be 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 in order to meet construction timelines within the current construction season to ensure the safety of the traveling public.

To amend the 2023 Capital Improvement budget; to appropriate funds received from N.P. Capital Management Corp. in connection to the Roadway - Ceres Drive - Polaris Parkway to Ikea Way project; to authorize the Director of Public Service to enter into contract with Shelly & Sands, Inc. for the project; to authorize the expenditure of up to \$1,788,541.59 from the Street and Highway Non-Bond Fund for the project; to refund any unused construction, construction inspection, and administration funds upon final acceptance of work; and to declare an emergency. (\$1,788,541.59)

WHEREAS, the Department of Public Service is engaged in the Roadway - Ceres Drive - Polaris Parkway to Ikea Way project; and

WHEREAS, the work for this project consists of a plan to realign and reconstruct Ceres Drive from its intersection with Polaris Parkway to Ikea Way. The roadway will consist of 3 lanes including a two-way left turn lane, except for the section through the conservation easement and over the existing 72" storm culvert where it will narrow to 2 lanes. Ceres Drive will be constructed with full-depth pavement, curb and gutter, sidewalks, street lighting, storm sewer and street trees, 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 & Sands, Inc. will be awarded the contract for the Roadway - Ceres Drive - Polaris Parkway to Ikea Way project; and

WHEREAS, the Department of Public Service requires funding to be available for the Roadway - Ceres Drive - Polaris Parkway to Ikea Way project for construction expense along with construction inspection and administration services; and

WHEREAS, N.P. Capital Management Corp. recently deposited funds with the City Treasurer to support the performance of construction, construction inspection, and administration; and

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

WHEREAS, this legislation also authorizes, if necessary, the return of the unexpended balance of the funds deposited with the City Treasurer by N.P. Capital Management Corp. or the acceptance of additional funding from N.P. Capital Management Corp. should the aforementioned sum prove insufficient to pay the actual costs of construction, construction inspection, and administration services; and

WHEREAS, funds must be appropriated within the Street and Highway Non-Bond Fund; 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 authorize the Director to enter into contract with Shelly & Sands, Inc. to ensure the safety of the traveling public, 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 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

7766 / P531033-100000 / Roadway - Ceres Drive - Polaris Parkway to Ikea Way (Street & Highway Imp Carryover) / \$0.00 / \$1,839,483.00 / \$1,839,483.00 (to match cash)

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, 2024, the sum of \$1,839,482.50 is appropriated in Fund 7766 (Street and Highway Non-Bond Fund), Dept-Div 5912 (Design and Construction), Project P531033-100000 (Roadway - Ceres Drive - Polaris Parkway to Ikea Way), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 3. That the Director of Public Service be and is hereby authorized to enter into a construction services contract with Shelly & Sands, Inc., 1515 Harmon Avenue, Columbus, Ohio 43223, for the Roadway - Ceres Drive - Polaris Parkway to Ikea Way project in the amount of up to \$1,625,946.90 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 inspection and administration costs associated with the project up to a maximum of \$162,594.69.

SECTION 4. That the expenditure of \$1,788,541.59, or so much thereof as may be needed, is hereby authorized in Fund 7766 (Street and Highway Non-Bond Fund), Dept-Div 5912 (Design and Construction), Project P531033-100000 (Roadway - Ceres Drive - Polaris Parkway to Ikea Way), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 5. 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 6. 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 7. 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 8. That the Director of Public Service be and is hereby authorized to, as necessary, 1) refund the unexpended balance of funds deposited with the City Treasurer by N.P. Capital Management Corp. to support the performance of construction, construction inspection, and administration services necessary to the successful completion of the Roadway - Ceres Drive - Polaris Parkway to Ikea Way project after final accounting for the project is complete or upon certification from the Department of Public Service that any funds remaining on deposit are not needed and can be returned to N.P. Capital Management Corp., or 2) accept additional funds from N.P. Capital Management Corp. to support the aforementioned services should the actual cost thereof exceed the sum referenced in preceding sections.

SECTION 9. That the City Auditor is hereby authorized to appropriate any additional funds that the City may receive from N.P. Capital Management Corp. for construction, construction inspection, and administration services relative to the Roadway - Ceres Drive - Polaris Parkway to Ikea Way project and to establish an Auditor's Certificate (or multiple Auditor's Certificates if multiple future deposits should be received) for the expenditure of those funds without additional legislation. The Director of Public Service also is hereby authorized to expend the funds established on any of these Auditor Certificates for construction, construction inspection, and administration costs for this project without additional legislation.

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.