



## Legislation Details (With Text)

**File #:** 1328-2015      **Version:** 1

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

**File created:** 5/11/2015      **In control:** Recreation & Parks Committee

**On agenda:** 6/1/2015      **Final action:** 6/3/2015

**Title:** To authorize the Director of Recreation and Parks to modify a contract with Shelly and Sands in the amount of \$400,388.79 for changes to the Goodale Bikeway Project; to authorize the Director of Recreation and Parks to enter into settlement agreement with URS Corporation-Ohio as part of this modification to contract; to accept and appropriate the amount of \$348,901.79 from URS to the Recreation and Parks Permanent Improvement fund; to amend the 2015 Capital Improvement Budget; to authorize the expenditure of \$348,901.79 from the Recreation and Parks Permanent Improvement fund and \$51,487.00 from an existing Auditor's certificate; and to declare an emergency. (\$400,388.79)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. DOC043 (2)

Date	Ver.	Action By	Action	Result
6/3/2015	1	CITY CLERK	Attest	
6/2/2015	1	MAYOR	Signed	
6/1/2015	1	COUNCIL PRESIDENT	Signed	
6/1/2015	1	Columbus City Council	Approved	Pass

This legislation authorizes the Director of Recreation and Parks to execute a settlement agreement and mutual release with URS Corporation-Ohio for the Goodale Street Bikeway Improvements project.

The construction contract for the Goodale Street Bikeway Improvements project was awarded to Shelly and Sands Company and approved by City Council with Ordinance 2114-2013. The project consists of constructing a trail bridge and connector ramp along Goodale Street and the Olentangy Trail. This legislation will authorize the Director of Recreation and Parks to modify the contract with Shelly and Sands. This contract modification is necessary to pay for work performed by Shelly and Sands Company to remedy damages caused by structural inefficiencies, as well as the relocation of telephone utility equipment.

URS Corporation-Ohio, the design contractor for the Goodale Street Bikeway Improvements project, upon receipt of an executed settlement agreement, will pay the City of Columbus Department of Recreation and Parks \$348,901.79 to compensate for the additional costs associated with the repairs made by Shelly and Sands.

Funding in the amount of \$348,901.79 will be deposited to the Recreation and Parks Permanent Improvement Fund 747 and appropriated to the Greenways Projects to provide for this expenditure.

In addition, AT&T has previously reimbursed the City of Columbus, Department of Recreation and Parks per RW133515 the amount of \$51,487.00 on 7/31/2014 for utility relocation costs associated with this project; the relocation work will also be performed by Shelly and Sands Company at an equal cost. AC035487-004 will be reduced \$51,487.00 for this expenditure. This will allow for a balance of \$88,982.62 for construction inspection services for the remainder of the project.

Modification to EL014996 in the amount of \$400,388.79 will include the URS Corporation-Ohio settlement payment and the AT&T payment. The total modified project contract amount as a result of these two changes will be \$5,308,641.79.

**Principal Party:**

Shelly and Sands  
1515 Harmon Ave  
Columbus, OH 43223  
Contract Compliance # 314351261  
Contact: Robert Hunt  
(614) 207-9375

**Emergency Justification:** Emergency action is requested in order to pay the contractor. The work is complete.

**Fiscal Impact:**

Ordinance 2114-2013 authorized the expenditure of \$5,570,703 allowing the Director of Recreation and Parks to enter into contract with Shelly and Sands, a project contingency, and to provide construction inspection services for the Goodale Bikeway Improvements Project. This ordinance will authorize an additional expenditure of \$348,901.79 and the use of \$51,487.00 from AC035487-004. Funds will be deposited and returned to the Recreation and Parks Permanent Improvement Fund 747 due to the financial obligations of this contract modification after settlement agreement is executed. The aggregate total contract amount, including this modification, is \$5,308,641.79 for Shelly and Sands contract and \$348,513.00 for construction inspection services.

To authorize the Director of Recreation and Parks to modify a contract with Shelly and Sands in the amount of \$400,388.79 for changes to the Goodale Bikeway Project; to authorize the Director of Recreation and Parks to enter into settlement agreement with URS Corporation-Ohio as part of this modification to contract; to accept and appropriate the amount of \$348,901.79 from URS to the Recreation and Parks Permanent Improvement fund; to amend the 2015 Capital Improvement Budget; to authorize the expenditure of \$348,901.79 from the Recreation and Parks Permanent Improvement fund and \$51,487.00 from an existing Auditor's certificate; and to declare an emergency. (\$400,388.79)

**WHEREAS**, the Recreation and Parks Department has a need to modify the existing contract with Shelly and Sands for the Goodale Bikeway Project; and

**WHEREAS**, the Recreation and Parks Department has a need to enter into a settlement agreement with URS Corporation -Ohio and accept the amount of \$348,901.79 from URS as a part of this project modification; and

**WHEREAS**, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to modify the contract with Shelley and Sands and to enter into a settlement agreement and accept funds from URS Corporation in order to make timely payment as work has been performed by the contractor; **NOW, THEREFORE**

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

**SECTION 1.** That the Director of the Recreation and Parks Department be, and hereby is, authorized to modify existing contract EL014966 with Shelly and Sands for Goodale Bikeway Improvements in the amount of \$400,388.79.

**SECTION 2.** That the Director of the Recreation and Parks Department be, and hereby is, authorized to execute a settlement agreement and mutual release with URS Corporation-Ohio in the amount of \$348,901.79 as a result of the changes to this project.

**SECTION 3.** That the Director of the Recreation and Parks Department be and is hereby authorized to accept a settlement payment from URS Corporation-Ohio in the amount of \$348,901.79 and deposit to

Greenways Project, Fund 747, Project 510316-10000, OCA #747316.

**SECTION 4.** That the amount of \$348,901.79 is hereby appropriated to the Recreation and Parks Permanent Improvement Fund 747, as follows:

**Dept. 51**

<b>Fund</b>	<b>Project</b>	<b>OCA Code</b>	<b>Object Level 3</b>	<b>Amount</b>
747	510316-100000	747316	6621	\$348,901.79

**SECTION 5.** That the 2015 Capital Improvements Budget is hereby amended as follows:

**FUND 747**

**Project Name | Project No. | Current Authority | Revised Authority | Difference**

Greenways Projects | 510316 - 100000 | \$0 | \$348,902 | (\$348,902) [Rec & Parks Permanent Improvement Carryover]

**SECTION 6.** That the expenditure of \$348,901.79 or so much thereof as may be necessary to pay the cost thereof, be and is hereby authorized from the Recreation and Parks Permanent Improvement Fund, as follows:

**Dept. 51**

<b>Fund</b>	<b>Project</b>	<b>OCA Code</b>	<b>Object Level 3</b>	<b>Amount</b>
747	510316-100000	747316	6621	\$348,901.79

**SECTION 7.** That the expenditure of \$51,487.00 or so much thereof as may be necessary to pay the cost thereof, be and is hereby authorized from existing auditor's certificate AC035487, as follows:

<b>Fund</b>	<b>Project</b>	<b>OCA Code</b>	<b>Object Level 3</b>	<b>Amount</b>
286	Existing AC# 035487-004	511311	6680	\$51,487.00

**SECTION 8.** That the City Auditor is authorized to make any changes to revise the funding source for any contract or contract modifications associated with this ordinance.

**SECTION 9.** 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 10 days after passage if the Mayor neither approves nor vetoes the same.