



## Legislation Details (With Text)

**File #:** 1728-2024      **Version:** 1

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

**File created:** 6/7/2024      **In control:** Public Service & Transportation Committee

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

**Title:** To authorize the transfer of funds and appropriation within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into contract with Decker Construction Company for the Pedestrian Safety - Sidewalk Replacement (2024 Tree Root) project; to authorize the expenditure of up to \$1,323,671.07 from the Streets and Highways Bond Fund; and to declare an emergency. (\$1,323,671.07)

**Sponsors:**

**Indexes:** MBE Participation

**Code sections:**

**Attachments:** 1. ORD 1728-2024 Accounting Template, 2. Ord. 1728-2024 Subcontractors

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 Decker Construction Company for the Pedestrian Safety- Sidewalk Replacement (2024 Tree Root) project and to provide payment for construction, construction administration and inspection services.

The purpose of this contract is to replace public sidewalk, driveway approach, and or driveway approach curb that have been damaged by City street trees within the Public right-of-way at various locations throughout the City. Sometimes, trees may be removed as part of this contract as directed by the Forestry Division within the City of Columbus, Department of Recreation and Parks. This contract includes repairing sidewalks damaged by City street tree roots by removing and replacing concrete at 335 locations throughout the City, 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 July 29, 2024. The project was let by the Office of Support Services through Vendor Services and Bid Express. One bid was received on June 4, 2024, and tabulated as follows:

Company Name	Bid Amount	City/State	Majority/ODI Certification
Decker Construction Company	\$1,151,018.32	Columbus, OH	Majority

Award is to be made to Decker Construction Company as the lowest responsive and responsible and best bidder for their bid of \$1,151,018.32. The amount of construction administration and inspection services will be \$172,652.75. The total legislated amount is \$1,323,671.07.

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

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

As part of their bid, Decker 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>
Axe's Tree Service	Marysville, Ohio	MAJ
Burley Trucking	Columbus, Ohio	MBE

**2. CONTRACT COMPLIANCE INFORMATION**

The contract compliance number for Decker Construction Company is CC004549 and expires 11/3/2025.

**3. PRE-QUALIFICATION STATUS**

Decker 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**

Funds are available and appropriated within the Streets and Highways Bond Fund, Fund 7704. A transfer of cash is necessary to align spending 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 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 complete needed improvements to replace public sidewalk, driveway approach, and or driveway approach curb that have been damaged by City street trees within the Public right-of-way at various locations at the earliest possible time to ensure the safety of the traveling public and to be prepared to meet the estimated notice to proceed date is July 29, 2024.

To authorize the transfer of funds and appropriation within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into contract with Decker Construction Company for the Pedestrian Safety - Sidewalk Replacement (2024 Tree Root) project; to authorize the expenditure of up to \$1,323,671.07 from the Streets and Highways Bond Fund; and to declare an emergency. (\$1,323,671.07)

**WHEREAS**, the Department of Public Service is engaged in the Pedestrian Safety - Sidewalk Replacement (2024 Tree Root) project; and

**WHEREAS**, the work for this project consists of repairing sidewalks damaged by City street tree roots by removing and replacing concrete; 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**, Decker Construction Company will be awarded the contract for the Pedestrian Safety - Sidewalk Replacement (2024 Tree Root) project; and

**WHEREAS**, the Department of Public Service requires funding to be available for the Pedestrian Safety - Sidewalk Replacement (2024 Tree Root) project for construction expense along with construction administration and inspection services; and

**WHEREAS**, it is necessary for Council 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**, 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**, it is necessary for Council to authorize an expenditure of funds within Fund 7704, the Streets and Highways Bond Fund, for this project; 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 Decker Construction Company to complete needed improvements to replace public sidewalk, driveway approach, and or driveway approach curb that have been damaged by City street trees within the Public right-of-way at various locations at the earliest possible time to ensure the safety of the traveling public and to prepared to meet the estimated notice to proceed date is July 29, 2024, all for the immediate preservation of public health, peace, property, safety and welfare; and **now, therefore**

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

**SECTION 1.** That the transfer of \$1,323,671.07, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5911 (Infrastructure Management), Project P530282-100051 (Resurfacing - Resurfacing Projects), Object Class 06 (Capital Outlay) to Dept-Div 5911 (Infrastructure Management), Project P590105-100482 (Pedestrian Safety - Sidewalk Replacement (2024 Tree Root), Object Class 06 (Capital Outlay) 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 Decker Construction Company, 3042 McKinley Avenue, Columbus, OH, 43204, for the Pedestrian Safety - Sidewalk Replacement (2024 Tree Root) project in the amount of up to \$1,151,018.32 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 \$172,652.75.

**SECTION 3.** That the expenditure of \$1,323,671.07, 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 590105-100482 (Pedestrian Safety - Sidewalk Replacement (2024 Tree Root)), 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.