



Legislation Details (With Text)

File #: 1401-2012 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 6/18/2012 **In control:** Public Service & Transportation Committee

On agenda: 7/16/2012 **Final action:** 7/18/2012

Title: To authorize the Director of Public Service to enter into contract with Columbus Asphalt Paving, Inc. and to provide for the payment of construction administration and inspection services, in connection with the Roadway Improvements-Fodor Road improvement project; to authorize the Director of Public Service, in place of the Director of Development, to enter into a three party agreement with The Kroger Co. and New Albany Company LLC to provide for contribution and reimbursement of a portion of the costs of construction of the improvement at the intersection of New Albany Road and Fodor Road; to authorize the expenditure of \$1,173,311.29 from the Street and Highway Improvement Fund for the Division of Design and Construction; and to declare an emergency.(\$1,173,311.29)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Bid Recommendation Form

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|----------|--------|
| 7/18/2012 | 1 | CITY CLERK | Attest | |
| 7/17/2012 | 1 | MAYOR | Signed | |
| 7/16/2012 | 1 | COUNCIL PRESIDENT | Signed | |
| 7/16/2012 | 1 | Columbus City Council | Approved | Pass |

1. BACKGROUND

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the Roadway Improvements - Fodor Road Roadway Improvement project (CIP No. 530161-100091) in the amount of \$1,066,646.63 with associated construction inspection costs of \$106,664.66, for a total expenditure of \$1,173,311.29.

This legislation also authorizes the Director of Public Service, in place of the Director of Development, to enter into an agreement with The Kroger Co. and New Albany Company LLC (a three party agreement) to provide for reimbursement of a portion of the costs (The Kroger Co.) and to provide for the contribution of a portion of the costs without reimbursement (New Albany Company LLC) of constructing roadway improvements at the intersection of New Albany Road and Fodor Road. The Kroger Co. shall deposit \$996,461.32 and New Albany Company LLC shall deposit \$176,849.97.

Ordinance 0572-2009 authorized the Director of Development to enter into a Reimbursement Agreement with The Kroger Company for said project. At that time it was planned that The Kroger Co. would hold the construction contract and the reimbursement agreement for construction would be held by the Director of Development. Since that time, it was determined that The Kroger Co. and New Albany Company LLC would deposit construction and inspection funds with the City and the Department of Public Service would hold the construction contract. Because of this change, it is in the best interest of the City that the agreement be held by the Department of Public Service.

This project consists of constructing improvements at the Fodor road and New Albany Road intersection. These improvements include 12 foot granite truck apron and a 12 inch mountable granite curb; the intersection improvements will include full depth pavement reconstruction. The existing 8 foot wide shared use path will be relocated. An additional 8 foot shared use path will also be constructed. Curbing and ADA curb ramps will be installed throughout the

intersection. Storm sewer and landscaping improvements will also be included in the project. There will be 485 feet of 8 foot wide shared use path included. Eight (8) ADA ramps will be added or reconstructed in this project. There are not any bus transit routes within the limits of this project.

The project was let by the Office of Support Services through Vendor Services and Bid Express. Three (3) bids were received and tabulated on June 12, 2012 (3 majority) as follows:

| <u>Company Name</u> | <u>Bid Amt</u> | <u>City/State*</u> | <u>Majority/MBE/FBE</u> |
|-----------------------------------|----------------|--------------------|-------------------------|
| Columbus Asphalt Paving, Inc. | \$1,066,646.63 | Columbus, Ohio | Majority |
| Complete General Construction Co. | \$1,067,762.42 | Columbus, Ohio | Majority |
| Decker Construction Co. | \$1,167,650.84 | Columbus, Ohio | Majority |

*City/State is from the Ohio Secretary of State web site, which may differ from the mailing address below.

Award is to be made to Columbus Asphalt Paving, Inc. as the lowest, responsive, responsible, and best bidder.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Columbus Asphalt Paving, Inc.

The estimated Notice to Proceed date is August 16, 2012.

2. CONTRACT COMPLIANCE

The contract compliance number for Columbus Asphalt Paving, Inc. is 310857095 and expires 1/15/14.

3. FISCAL IMPACT

This project is funded by contributions from The Kroger Co. (\$996,461.32) and New Albany Company LLC (\$176,849.97) for an amount of \$1,173,311.29. The Kroger Co. and New Albany Company LLC funding has been deposited in the Street and Highway Improvement Fund, 766.

4. EMERGENCY DESIGNATION

Emergency action is requested in order to allow this project to begin at the earliest possible time this construction season in order to make complete the project before the end of the construction season.

To authorize the Director of Public Service to enter into contract with Columbus Asphalt Paving, Inc. and to provide for the payment of construction administration and inspection services, in connection with the Roadway Improvements- Fodor Road improvement project; to authorize the Director of Public Service, in place of the Director of Development, to enter into a three party agreement with The Kroger Co. and New Albany Company LLC to provide for contribution and reimbursement of a portion of the costs of construction of the improvement at the intersection of New Albany Road and Fodor Road; to authorize the expenditure of \$1,173,311.29 from the Street and Highway Improvement Fund for the Division of Design and Construction; and to declare an emergency.(\$1,173,311.29)

WHEREAS, the City of Columbus, Department of Public Service, Division of Design and Construction, is engaged in the Roadway Improvements - Fodor Road improvement project; and

WHEREAS, this project consists of constructing intersection improvements, shared use path, ADA ramps, storm sewer and landscaping; and

WHEREAS, this ordinance authorizes the Director of Public Service to enter into contract with Columbus Asphalt Paving, Inc. for the construction of the Roadway Improvements Fodor Road Improvement project; and

WHEREAS, bids were received and tabulated on June 12, 2012, for the Roadway Improvements Fodor Road Improvement project; and

WHEREAS, it is necessary to provide for construction and inspection costs; and

WHEREAS, ordinance 2117-2005 authorized the establishment of the Tax Increment Financing Agreement; and

WHEREAS, ordinance 0572-2009 authorized the execution of a reimbursement agreement between the City and The Kroger Co. to fund construction of the Roadway Improvements - Fodor Road Improvement project; and

WHEREAS, funds will be contributed by The Kroger Co. and New Albany Company LLC for this contract and inspection; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Division of Design and Construction in order to maintain the project schedule and to allow this project to begin at the earliest possible time this construction season in order to make complete the project before the end of the construction season; now, therefore

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

SECTION 1. That the Director of Public Service be and is hereby authorized to enter into contract with Columbus Asphalt Paving, Inc., 1196 Technology Drive, Gahanna, OH, 43230(mailing address) for the construction of the Roadway Improvements - Fodor Road Improvement project in the amount of up to \$1,066,646.63 or so much thereof as may be needed, for the Division of Design and Construction in accordance with the specifications and plans on file in the Office of Support Services, which are hereby approved; and to obtain and pay for the necessary inspection costs associated with the project up to a maximum of \$106,664.66.

SECTION 2. That the Director of Public Service be and is hereby authorized to enter into an agreement with The Kroger Co., 4111 Executive Parkway, Westerville, Ohio, 43081, and New Albany Company LLC, 8000 Walton Parkway, suite 120, New Albany, 43054, to provide for contribution and reimbursement of a portion of the costs of constructing improvements at the intersection of New Albany Road and Fodor Road.

SECTION 3. That the 2012 Capital Improvements Budget is hereby amended as follows:

Division of Design and Construction: 59-12

Fund / Project No. / Project Name / Current Authority / Change / Revised Authority

766 / 530161-100091 / Roadway Improvements - Fodor Road / \$0.00 / \$1,173,312.00 / \$1,173,312.00

SECTION 4. That the sum of \$1,173,311.29 be and hereby is appropriated from the unappropriated balance of Fund 766, the Street and Highway Improvement Fund, 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 ending December 31, 2012, to the Division of Design and Construction, Dept Div, No. 59-12 as follows:

Fund / Project / Project Name / O.L. 01 03 Codes / OCA / Amount

530161-100091 / Roadway Improvements - Fodor Road / 06 / 6600 / 716191 / \$1,173,311.29

SECTION 5. That for the purpose of paying the cost of the contract and inspection, the sum of up to \$1,173,311.29 or so much thereof as may be needed, is hereby authorized to be expended from the Street and Highway Improvement Fund, No. 766, for the Division of Design and Construction, Dept. Div. 59-12, as follows:

Fund / Project / Project Name / O.L. 01 03 Codes / OCA / Amount

530161-100091 / Roadway Improvements - Fodor Road / 06 / 6631 / 716191 / \$1,066,646.63

530161-100091 / Roadway Improvements - Fodor Road / 06 / 6687 / 716191 / \$106,664.66

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;

except that no transfer shall be so made from a project account funded by monies from more than one source.

SECTION 8. 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.