



Legislation Details (With Text)

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On agenda: 6/28/2010 **Final action:** 7/1/2010

Title: To Authorize the Director of Public Service to enter into a contract with the Jack Conie and Sons Corporation (dba Conie Construction Company) for the construction of the City Bridge Rehabilitation - Sylvan Culvert project, in connection with the Mayor's Emergency declared June 14, 2010; to authorize the City Auditor to transfer \$406,519.00 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the appropriation and expenditure of \$406,519.00 from the Streets and Highways GO Bonds Fund; and to declare an emergency. (\$406,519.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 0928-2010 Bid Recommendation Memo.pdf, 2. 0928-2010 Mayors Emergency Documents.pdf

Date	Ver.	Action By	Action	Result
7/1/2010	1	CITY CLERK	Attest	
6/30/2010	1	MAYOR	Signed	
6/28/2010	1	Columbus City Council	Approved	Pass
6/28/2010	1	COUNCIL PRESIDENT	Signed	
6/18/2010	1	CITY ATTORNEY	Reviewed and Approved	
6/18/2010	1	Service Drafter	Sent to Clerk's Office for Council	
6/17/2010	1	Service Drafter	Sent for Approval	
6/17/2010	1	CITY AUDITOR	Reviewed and Approved	
6/17/2010	1	Service Drafter	Sent for Approval	
6/17/2010	1	CITY AUDITOR	Reviewed and Approved	
6/17/2010	1	Service Drafter	Sent for Approval	
6/16/2010	1	Service Drafter	Sent for Approval	
6/16/2010	1	Finance Reviewer	Reviewed and Approved	
6/16/2010	1	Finance Reviewer	Reviewed and Approved	
6/16/2010	1	FINANCE DIRECTOR	Reviewed and Approved	
6/15/2010	1	Service Drafter	Sent for Approval	
6/15/2010	1	SERVICE DIRECTOR	Reviewed and Approved	
6/15/2010	1	Service Drafter	Sent for Approval	
6/15/2010	1	Service Reviewer	Reviewed and Approved	

1. BACKGROUND

This legislation authorizes the Director of Public Service to enter into a construction contract, in the amount of \$338,765.35, with the Jack Conie and Sons Corporation (dba Conie Construction Company,) in connection with the City Bridge Rehabilitation - Sylvan

Culvert Project (CIP No. 530301-100008), which is located on the west side of Columbus. This ordinance further authorizes the expenditure of up to \$67,753.65, for construction administration and inspection services.

Engineering personnel from the Division of Planning and Operations, along with bridge consultant GPD Associates, performed an inspection of the bridge on May 24, 2010. This field examination found further deterioration of the beams and a critical scour condition in proximity to the bridge foundation. The Director of the Department of Public Service ordered the bridge be closed immediately to both vehicular and pedestrian traffic. In response to these events, a Mayor's Emergency was declared on June 14, 2010.

This department requested and received funding within the 2010 Capital Improvements Budget for this bridge replacement project. However, due to the complete closure of this roadway, the department has undertaken an informal, competitive procurement effort, and opened sealed bids from four contractors on June 10, 2010.

Company Name	Bid Amt	City/State	Status
Conie Construction	\$338,765.35	Columbus	Majority
The Righter Co., Inc.	\$381,174.81	Columbus	Majority
John Eramo & Sons	\$396,705.10	Hilliard	Majority
Complete General	\$396,971.18	Columbus	Majority

Conie Construction Company was found to be the lowest, best, and most responsive and responsible bidder, based upon an evaluation of the bids received.

It is expected that this work will be complete within 90 days of the contract award.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Conie Construction Company.

2. FISCAL IMPACT

The Mayor's Emergency Declaration authorized the temporary use of Street Construction, Maintenance and Repair Funds (SCMRF) to facilitate the execution of this contract work. This ordinance will replace the SCMR funding with more appropriate capital improvement funding.

This project is budgeted within the 2010 Capital Improvement Budget. This expense can be accommodated within the Streets and Highways G.O. Bonds Fund, Bridge Rehabilitation - Sylvan Culvert Project, by appropriating and transferring \$406,519.00 from the Special Income Tax Fund. This funding method is a temporary measure and this amount will be restored to the Special Income Tax Fund subsequent to the next note/bond sale for the Division of Planning and Operations Capital Improvement Projects.

Bonds have yet to be sold for the project, necessitating a certification of \$406,519.00 against the Special Income Tax Fund. Upon sale of bonds, the amount transferred will be reimbursed.

3. CONTRACT COMPLIANCE

Conie Construction Company's contract compliance number is 310800904 and expires 11/10/2010.

4. EMERGENCY DESIGNATION

The Division is requesting that this legislation be considered an emergency measure, in order to replace the temporary operating budget funding of these contractual services with capital improvement funds, to allow for the payment of services that were authorized by the Mayor's Emergency Declaration of June 14, 2010.

To Authorize the Director of Public Service to enter into a contract with the Jack Conie and Sons Corporation (dba Conie Construction Company) for the construction of the City Bridge Rehabilitation - Sylvan Culvert project, in connection with the Mayor's Emergency declared June 14, 2010; to authorize the City Auditor to transfer \$406,519.00 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the appropriation and expenditure of \$406,519.00 from the Streets and Highways GO Bonds Fund; and to declare an emergency. (\$406,519.00)

WHEREAS, A Mayor's Emergency was declared on June 14, 2010, for purposes of undertaking the necessary action to replace the bridge on Sylvan Avenue over Dry Run; and

WHEREAS, Department of Public Service engineering personnel have determined that the bridge is unsafe, and it has been closed to vehicular and pedestrian traffic since May 25, 2010; and

WHEREAS, Department of Public Service's Office of Support Services has determined it to be in the City's best interest to enter into contract with Conie Construction Company after a competitive bid process that identified Conie Construction Company as the lowest and best bidder to provide these necessary replacement services; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to this project; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the aggregate principal amount which the city will issue to finance this project is presently expected not to exceed \$406,519.00; and

WHEREAS, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project"); and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Division of Planning and Operations, in that it is urgently required to contract for the necessary emergency bridge replacement and construction administration/inspection services as described above, in order to allow for the immediate payment of said services as required to ensure for the completion of this bridge replacement project, thereby preserving the public health, peace and safety; now, therefore,

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

Section 1. That the Director of Public Service, be and hereby is, authorized to enter into contract with the Conie Construction Company, 1340 Windsor Avenue, Columbus Ohio 43211; in an amount up to \$338,765.35, and to provide for construction administration and inspection in an amount up to \$67,753.65 in connection with the City Bridge Rehabilitation - Sylvan Culvert project, in accordance with terms and conditions as shown in the contract on file in the Office of Support Services with the Department of Public Service.

Section 2. The sum of \$406,519.00 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, 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, 2010 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

Section 3. That the City Auditor is hereby authorized to transfer said funds to the Streets and Highways G.O. Bonds Fund, 704, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

Section 4. That the sum of \$406,519.00 be and hereby is appropriated from the unappropriated balance of Fund 704, The Streets and Highways G.O. Bonds 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, 2010 to Dept-Div. 59-11, for the Division of Planning and Operations as follows:

Fund / Project # / Project / Object Level Three Codes / OCA Code
704 / 530301-100008 / City Bridge Rehabilitation - Sylvan Culvert / 06-6600 / 743108 / \$406,519.00

Section 5. That the monies appropriated in the foregoing Section 4 shall be paid upon order of the Director of Public Service and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

Section 6. That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount to repay the Special Income Tax Fund the amount transferred under Section 3 above.

Section 7. That the City Auditor is authorized to make any accounting changes to revise the funding source for any contract(s) or contract modification(s) associated with the expenditure of the funds transferred under Section 3 above.

Section 8. That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$406,519.00 (the

"Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

Section 9. All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

Section 10. That for the purpose of paying the cost of the contract authorized within Section 1 herein, and for the cost of construction administration and inspection services, the expenditure of \$406,519.00, is hereby authorized from the Streets and Highways GO Bonds Fund, No. 704, Project 530301 - 100008, OCA Code 743108, O.L. 01-03 Codes 06-6631.

Section 11. 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 12. 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.