



## Legislation Details (With Text)

**File #:** 0989-2015      **Version:** 1

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

**File created:** 4/2/2015      **In control:** Public Service & Transportation Committee

**On agenda:** 4/20/2015      **Final action:** 4/22/2015

**Title:** To authorize the Director of Public Service to enter into contract with Kokosing Construction Company, Inc. to provide for the payment of the contract and construction administration and inspection services, in connection with the Resurfacing - Resurfacing 2015 Project 2 and Pedestrian Safety Improvements - Morse Road at Sunbury Road project; to amend the 2015 Capital Improvement Budget; to authorize and direct the City Auditor to appropriate and transfer \$10,721,147.35 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the City Auditor to appropriate \$10,721,147.35 within the Streets and Highways Bonds Fund; to authorize the expenditure of \$10,928,170.96 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$10,928,170.96)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
4/22/2015	1	CITY CLERK	Attest	
4/21/2015	1	ACTING MAYOR	Signed	
4/20/2015	1	COUNCIL PRESIDENT	Signed	
4/20/2015	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 Resurfacing - Resurfacing 2015 Project 2 and Pedestrian Safety Improvements - Morse Road at Sunbury Road project and to provide payment for construction administration and inspection services.

The work for which proposals are invited encompasses two parts.

**Resurfacing - Resurfacing 2015 Project 2, 1773 Drawer A:** Consists of repairing and resurfacing 131 city streets and constructing 624 ADA curb ramps along those streets, milling the existing pavement, overlaying with new asphalt concrete, minor curb replacement, and replacing curb and sidewalk associated with installing ADA wheelchair ramps. Where warranted, the plans also call for areas of full depth pavement repair.

**Pedestrian Safety Improvements - Morse Road at Sunbury Road, 3094 Drawer E:** Provides for the modernization of pedestrian crossings and related signal equipment at the intersection of Morse Road and Sunbury Road and includes marked crosswalks, raised medians, curb ramps, basic signal work, signs, street lighting, and pavement markings.

The estimated Notice to Proceed date is May 11, 2015. The Office of Support Services let the project through Vendor Services and Bid Express. Four bids were received on March 24, 2015 (four majority) and tabulated on March 25, 2015, as follows:

<u>Company Name</u>	<u>Bid Amount</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Kokosing Construction Company, Inc.	\$10,025,844.92	Columbus, OH	Majority

The Shelly Company	\$10,457,217.72	Columbus, OH	Majority
Shelly and Sands, Inc.	\$10,826,956.46	Columbus, OH	Majority
Strawser Paving Company, Inc.	\$11,090,065.77	Columbus, OH	Majority

Kokosing Construction Company, Inc. received the award as the lowest responsive and responsible and best bidder. The contract amount will be \$10,025,844.92. The amount for construction administration and inspection services will be \$902,326.04. The total legislated amount is \$10,928,170.96.

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

**Pre-Qualification Status**

Kokosing Construction Company, Inc. and all proposed subcontractors have met code requirements with respect to pre-qualification, pursuant to relevant sections of Columbus City Code Chapter 329.

**2. CONTRACT COMPLIANCE**

The contract compliance number for Kokosing Construction Company, Inc. is 31-1023518 and expires 2/25/16.

**3. FISCAL IMPACT**

Funding for this project is budgeted within the 2015 Capital Improvements Budget. However, it is necessary to certify funds in the amount of \$10,721,147.35 against the Special Income Tax Fund because the city have yet to sell bonds for the resurfacing portion of this project.

**4. EMERGENCY DESIGNATION**

The department requests emergency designation so as to prevent delays in the department’s Capital Improvements Program.

To authorize the Director of Public Service to enter into contract with Kokosing Construction Company, Inc. to provide for the payment of the contract and construction administration and inspection services, in connection with the Resurfacing - Resurfacing 2015 Project 2 and Pedestrian Safety Improvements - Morse Road at Sunbury Road project; to amend the 2015 Capital Improvement Budget; to authorize and direct the City Auditor to appropriate and transfer \$10,721,147.35 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the City Auditor to appropriate \$10,721,147.35 within the Streets and Highways Bonds Fund; to authorize the expenditure of \$10,928,170.96 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$10,928,170.96)

**WHEREAS**, the City of Columbus Department of Public Service is engaged in the Resurfacing - Resurfacing 2015 Project 2 and Pedestrian Safety Improvements - Morse Road at Sunbury Road project; and

**WHEREAS**, this project consists of repairing and resurfacing 131 city streets and constructing 624 ADA curb ramps along those streets, milling the existing pavement, overlaying with new asphalt concrete, minor curb replacement, and replacing curb and sidewalk associated with installing ADA wheelchair ramps. Where warranted, the plans also call for areas of full depth pavement repair; and

**WHEREAS**, this project also provides for the modernization of pedestrian crossings and related signal equipment at the intersection of Morse Road and Sunbury Road and includes marked crosswalks, raised medians, curb ramps, basic signal work, signs, street lighting, and pavement markings; and

**WHEREAS**, Kokosing Construction Company, Inc. will be awarded the contract for the Resurfacing - Resurfacing 2015 Project 2 and Pedestrian Safety Improvements - Morse Road at Sunbury Road project; and

**WHEREAS**, it is necessary to enter into contract with Kokosing Construction Company, Inc.; and

**WHEREAS**, it is necessary to provide for construction administration and inspection services; and

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

**WHEREAS**, the city will reimburse the Special Income Tax Fund; and

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

**WHEREAS**, the aggregated principal amount of obligations which the city will issue to finance this project is presently expected not to exceed \$10,721,147.35; 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 Division of Design and Construction in that it is immediately necessary to authorize this contract so this project can proceed for the rehabilitation of this road to ensure the safety of the travelling 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 Director of Public Service be and is hereby authorized to enter into contract with Kokosing Construction Company, Inc., 886 McKinley Avenue, Columbus, Ohio 43222, for the construction of the Resurfacing - Resurfacing 2015 Project 2 and Pedestrian Safety Improvements - Morse Road at Sunbury Road project in an amount up to \$10,025,844.92 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 pay for the necessary inspection costs associated with the project up to a maximum of \$902,326.04.

**SECTION 2.** The sum of \$10,721,147.35 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, 2015 to the City Auditor, Department 22 -01, Object Level One 10, OCA code 902023, Object Level Three 5502.

**SECTION 3.** That the 2015 Capital Improvement Budget authorized by ordinance 0557-2015 be amended as follows to establish sufficient authority for this project:

<u>Fund / Project / Project Name / Current / Change / Amended</u>
704 / 530282-100051 / Resurfacing - Resurfacing Projects (Voted 2013) / \$17,030,075.00 / (\$10,721,148) / \$6,308,927
704 / 530282-100083 / Resurfacing - Clintonville (Voted 2013) / \$183,095.00 / \$186,078.00 / \$369,173.00
704 / 530282-100076 / Resurfacing - Far North (Voted 2013) / \$0.00 / \$1,430,197.00 / \$1,430,197.00
704 / 530282-100075 / Resurfacing - Far Northwest (Voted 2013) / \$0.00 / \$2,794,432.00 / \$2,794,432.00
704 / 530282-100080 / Resurfacing - Far West (Voted 2013) / \$444,313.00 / \$144,072.00 / \$588,385.00
704 / 530282-100086 / Resurfacing - Near North/University (Voted 2013) / \$1,180,752.00 / \$76,093.00 / \$1,256,845.00
704 / 530282-100084 / Resurfacing - North Linden (Voted 2013) / \$2,001,234.00 / \$280,723.00 / \$2,281,957.00
704 / 530282-100085 / Resurfacing - Northeast (Voted 2013) / \$0.00 / \$719,594.00 / \$719,594.00
704 / 530282-100079 / Resurfacing - Northland (Voted 2013) / \$0.00 / \$3,580,084.00 / \$3,580,084.00
704 / 530282-100078 / Resurfacing - Northwest (Voted 2013) / \$0.00 / \$960,903.00 / \$960,903.00
704 / 530282-100077 / Resurfacing - Rocky Fork/Blacklick (Voted 2013) / \$0.00 / \$548,976.00 / \$548,976.00

**SECTION 4.** That the City Auditor is hereby authorized to transfer and appropriate said funds in SECTION 2 to the Streets and Highways G.O. Bonds Fund, Fund 704 as follows:

<u>Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount</u>
704 / 530282-100083 / Resurfacing - Clintonville / 06-6600 / 748283 / \$186,077.20
704 / 530282-100076 / Resurfacing - Far North / 06-6600 / 748276 / \$1,430,196.21

704 / 530282-100075 / Resurfacing - Far Northwest / 06-6600 / 748275 / \$2,794,432.00  
704 / 530282-100080 / Resurfacing - Far West / 06-6600 / 748280 / \$144,071.55  
704 / 530282-100086 / Resurfacing - Near North/University / 06-6600 / 748286 / \$76,092.33  
704 / 530282-100084 / Resurfacing - North Linden / 06-6600 / 748284 / \$280,722.07  
704 / 530282-100085 / Resurfacing - Northeast / 06-6600 / 748285 / \$719,593.66  
704 / 530282-100079 / Resurfacing - Northland / 06-6600 / 748279 / \$3,580,083.88  
704 / 530282-100078 / Resurfacing - Northwest / 06-6600 / 748278 / \$960,902.86  
704 / 530282-100077 / Resurfacing - Rocky Fork/Blacklick / 06-6600 / 748277 / \$548,975.59

**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 project for the Department of Public Service, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 4.

**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 4 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 \$10,721,147.35 (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 and inspection, the sum of \$10,928,170.96 or so much thereof as may be needed, is hereby authorized to be expended from the Streets and Highways G.O. Bonds Fund, No. 704, for the Division of Design and Construction, Dept.-Div. 59-12, as follows:

**Contract (\$10,025,844.92)**

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

704 / 530282-100083 / Resurfacing - Clintonville / 06-6631 / 748283 / \$170,713.03  
704 / 530282-100076 / Resurfacing - Far North / 06-6631 / 748276 / \$1,312,106.61  
704 / 530282-100075 / Resurfacing - Far Northwest / 06-6631 / 748275 / \$2,563,699.08  
704 / 530282-100080 / Resurfacing - Far West / 06-6631 / 748280 / \$132,175.73  
704 / 530282-100086 / Resurfacing - Near North/University / 06-6631 / 748286 / \$69,809.48  
704 / 530282-100084 / Resurfacing - North Linden / 06-6631 / 748284 / \$257,543.18  
704 / 530282-100085 / Resurfacing - Northeast / 06-6631 / 748285 / \$660,177.67  
704 / 530282-100079 / Resurfacing - Northland / 06-6631 / 748279 / \$3,284,480.62  
704 / 530282-100078 / Resurfacing - Northwest / 06-6631 / 748278 / \$881,562.26  
704 / 530282-100077 / Resurfacing - Rocky Fork/Blacklick / 06-6631 / 748277 / \$503,647.33  
704 / 590105-100097 / Pedestrian Safety Improvements - Morse Road at Sunbury Road / 06-6631 / 741597 / \$189,929.93

**Inspection (\$902,326.04)**

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

704 / 530282-100083 / Resurfacing - Clintonville / 06-6687 / 748283 / \$15,364.17

704 / 530282-100076 / Resurfacing - Far North / 06-6687 / 748276 / \$118,089.60  
704 / 530282-100075 / Resurfacing - Far Northwest / 06-6687 / 748275 / \$230,732.92  
704 / 530282-100080 / Resurfacing - Far West / 06-6687 / 748280 / \$11,895.82  
704 / 530282-100086 / Resurfacing - Near North/University / 06-6687 / 748286 / \$6,282.85  
704 / 530282-100084 / Resurfacing - North Linden / 06-6687 / 748284 / \$23,178.89  
704 / 530282-100085 / Resurfacing - Northeast / 06-6687 / 748285 / \$59,415.99  
704 / 530282-100079 / Resurfacing - Northland / 06-6687 / 748279 / \$295,603.26  
704 / 530282-100078 / Resurfacing - Northwest / 06-6687 / 748278 / \$79,340.60  
704 / 530282-100077 / Resurfacing - Rocky Fork/Blacklick / 06-6687 / 748277 / \$45,328.26  
704 / 590105-100097 / Pedestrian Safety Improvements - Morse Road at Sunbury Road / 06-6687 / 741597 / \$17,093.68

**SECTION 11.** 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 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.