



Legislation Details (With Text)

File #: 1790-2013 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 7/2/2013 **In control:** Public Service & Transportation Committee
On agenda: 7/22/2013 **Final action:** 7/25/2013

Title: To authorize and direct the City Auditor to appropriate and transfer \$500,500.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Public Service to execute a professional engineering services contract modification with Stantec Consulting Services Inc. in connection with the Bikeway Development - Professional Services project; to authorize the expenditure of \$500,500.00 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$500,500.00)

Sponsors:

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|----------|--------|
| 7/25/2013 | 1 | ACTING CITY CLERK | Attest | |
| 7/24/2013 | 1 | ACTING MAYOR | Signed | |
| 7/22/2013 | 1 | COUNCIL PRESIDENT | Signed | |
| 7/22/2013 | 1 | Columbus City Council | Approved | Pass |

1. BACKGROUND

This legislation authorizes the Director of Public Service to modify and increase the professional engineering services contract for the Bikeway Development - Professional Services (Bikeway Plan PE Services) project with Stantec Consulting Services Inc. in the amount of \$500,500.00.

This contract has been used for various projects that spent down the total value. The intent of this contract was to provide the Department of Public Service with continuing, contractual access to additional resources that are necessary to perform various professional engineering, survey, and technical expertise for the department to complete its capital and operating budget commitments.

Work to be performed under this contract modification include, but is not limited to, providing additional funds to complete design work and associated public involvement for the 4th and Summit Complete Streets project. Stantec Consulting Services Inc. performed the preliminary engineering work for the 4th and Summit Complete Streets project and procuring new design services would not be economical and would delay the project.

Original contract amount: \$310,000.00 (Ord. 0191-2011, EL011399)

Modification 1 amount: \$500,500.00

Total contract amount, including this modification: \$810,500.00

Searches in the Systems for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Stantec Consulting Services Inc.

2. CONTRACT COMPLIANCE

Stantec Consulting Services Inc.'s contract compliance number is 112167170 and expires 12/21/13.

3. FISCAL IMPACT

This project is funded in the 2013 Capital Improvements Budget. Bonds have not yet to be sold for this project; therefore it is necessary to certify funds needed in the amount of \$500,500.00 against the Special Income Tax Fund. Upon sale of the bonds, this will be reimbursed.

4. EMERGENCY DESIGNATION

Emergency action is requested to provide necessary engineering and services ant to prevent unnecessary delays in the Department of Public Service's Capital Improvement Program.

To authorize and direct the City Auditor to appropriate and transfer \$500,500.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Public Service to execute a professional engineering services contract modification with Stantec Consulting Services Inc. in connection with the Bikeway Development - Professional Services project; to authorize the expenditure of \$500,500.00 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$500,500.00)

WHEREAS, the Department of Public Service currently maintains the Bikeway Development - Professional Services (Bikeway Plan PE Services) contract with Stantec Consulting Services Inc.; and

WHEREAS, the original contract in the amount of \$310,000.00 (Contract No. EL011399) was authorized by Ordinance No. 0191-2011; and

WHEREAS, the Director of Public Service has identified the need to modify and increase this professional service contract for work to include, but is not limited to, providing additional funds to complete design work and associated public involvement for the 4th and Summit Complete Streets project; and

WHEREAS, this legislation authorizes the first modification to this contract in the amount of \$500,500.00; and

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

WHEREAS, the City will sell notes or bonds to fund the majority of 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 aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$500,500.00; 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 operations of the Department of Public Service in that it is immediately necessary to provide engineering and services and to prevent unnecessary delays in the Department of Public Service's Capital Improvement Program 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. The sum of \$500,500.00 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, 2013 to the City Auditor, Department 22-01, Object Level One 10, OCA code 902023, Object Level Three 5502.

SECTION 2. That the City Auditor is hereby authorized to transfer and appropriate said funds in SECTION 1 to the Streets and Highways G.O. Bonds Fund, Fund 704 as follows:

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

704 / 540002-100033 / Bikeway Dev. - General Engineering Design / 06-6600 / 740233 / \$200,000.00

704 / 540002-100047 / Bikeway Development - Downtown Projects / 06-6600 / 740247 / \$150,000.00

704 / 530282-100051 / Resurfacing - Resurfacing Projects / 06-6600 / 748251 / \$150,500.00

SECTION 3. That the Director of the Department of Public Service be and is hereby authorized to modify and increase Contract No. EL011399 with Stantec Consulting Services Inc. at 1500 Lakeshore Drive, Columbus, Ohio 43204 in an amount not to exceed \$500,500.00.

SECTION 4. That the monies appropriated in the foregoing Section 2 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 5. 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 2.

SECTION 6. 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 \$500,500.00 (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 7. That for the purpose of paying for the work included in this agreement up to \$500,500.00, or so much thereof as may be necessary, be and hereby is authorized to be expended from the Street and Highway Improvement Fund, Fund 704, Department No. 59-12, Division of Design and Construction as follows:

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

704 / 540002-100033 / Bikeway Dev. - General Engineering Design / 06-6682 / 740233 / \$200,000.00

704 / 540002-100047 / Bikeway Development - Downtown Projects / 06-6682 / 740247 / \$150,000.00

704 / 530282-100051 / Resurfacing - Resurfacing Projects / 06-6682 / 748251 / \$150,500.00

SECTION 8. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 9. 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 10. 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 11. 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.