



## Legislation Details (With Text)

**File #:** 0544-2011      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 3/25/2011      **In control:** Public Service & Transportation Committee  
**On agenda:** 4/11/2011      **Final action:** 4/13/2011

**Title:** To authorize the Director of Public Service to enter into contract with The Shelly Company and to provide for the payment of construction administration and inspection services, in connection with the Resurfacing - Zone 3 contract; to amend the 2011 C.I.B.; to authorize and direct the City Auditor to transfer \$4,012,824.00 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$4,012,824.00 within the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$4,012,824.00 from the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$4,012,824.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 0544-2011 Resurfacing-Zone 3 Street List.pdf, 2. 0544-2011 Bid Recommendation Memo.pdf

Date	Ver.	Action By	Action	Result
4/13/2011	1	CITY CLERK	Attest	
4/12/2011	1	MAYOR	Signed	
4/11/2011	1	Columbus City Council	Approved	Pass
4/11/2011	1	COUNCIL PRESIDENT	Signed	
4/5/2011	1	CITY AUDITOR	Reviewed and Approved	
4/5/2011	1	Service Drafter	Sent for Approval	
4/5/2011	1	CITY ATTORNEY	Reviewed and Approved	
4/5/2011	1	Service Drafter	Sent to Clerk's Office for Council	
4/4/2011	1	Finance Reviewer	Reviewed and Approved	
4/4/2011	1	Finance Reviewer	Reviewed and Approved	
4/4/2011	1	Auditor Reviewer	Reviewed and Approved	
4/1/2011	1	Service Drafter	Sent for Approval	
3/31/2011	1	Finance Reviewer	Reviewed and Approved	
3/31/2011	1	FINANCE DIRECTOR	Reviewed and Approved	
3/30/2011	1	Finance Reviewer	Reviewed and Approved	
3/29/2011	1	Finance Reviewer	Reviewed and Approved	
3/28/2011	1	SERVICE DIRECTOR	Reviewed and Approved	
3/28/2011	1	EBOCO Reviewer	Sent for Approval	
3/28/2011	1	ODI DIRECTOR	Reviewed and Approved	
3/28/2011	1	Service Drafter	Sent for Approval	

3/25/2011	1	Service Drafter	Sent for Approval
3/25/2011	1	Service Reviewer	Reviewed and Approved
3/25/2011	1	Service Drafter	Sent for Approval

**1. BACKGROUND:**

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the Resurfacing - Zone 3 project.

This project consists of rehabilitating and resurfacing nineteen (19) city streets and constructing 375 ADA curb ramps along those streets. The work consists of milling the existing pavement, overlaying with new asphalt concrete, minor curb replacement, and replacing curb and sidewalk associated with installation of ADA wheelchair ramps. Where warranted, the plans also call for areas of full depth pavement rehabilitation, and such 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 May 2, 2011. The contract length is 120 days from the Notice to Proceed date. The project was let by the Office of Support Services through vendor services. 3 bids were received on March 24, 2011 (3 majority) and tabulated on March 25, 2011 as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
The Shelly Company	\$3,648,021.83	Columbus, OH	Majority
Kokosing Construction Company	\$3,825,378.89	Columbus, OH	Majority
Shelly and Sands, Inc.	\$3,831,093.30	Columbus, OH	Majority

Award is to be made to The Shelly Company, as the lowest, best, most responsive and most responsible bidder.

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

**2. CONTRACT COMPLIANCE**

The Shelly Company's contract compliance number is 311279704 and expires 5/29/11.

**3. FISCAL IMPACT**

Funding authority for this project is budgeted within the 2011 Capital Improvement Budget. This expense can be accommodated by appropriating and transferring funds needed in the amount of \$4,012,824.00 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.

**4. EMERGENCY DESIGNATION.**

Emergency action is requested in order for this project to begin as soon as possible and perform necessary reconstruction to City streets in need of rehabilitation.

To authorize the Director of Public Service to enter into contract with The Shelly Company and to provide for the payment of construction administration and inspection services, in connection with the Resurfacing - Zone 3 contract; to amend the 2011 C.I.B.; to authorize and direct the City Auditor to transfer \$4,012,824.00 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$4,012,824.00 within the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$4,012,824.00 from the Streets and Highways G.O. Bonds Fund; and to declare an emergency. (\$4,012,824.00)

**WHEREAS**, the Division of Design and Construction is responsible for the construction and rehabilitation of roadways within the City of Columbus; and

**WHEREAS**, it is necessary to enter into contract to provide for the rehabilitation of these City streets as part of the Resurfacing - Zone 3 project; and

**WHEREAS**, bids were received on March 24, 2011, and tabulated on March 25, 2011, for the Resurfacing - Zone 3 project and a satisfactory bid has been received; and

**WHEREAS**, it is necessary to provide for construction inspection costs

**WHEREAS**, it is necessary to transfer funds from the Special Income Tax Fund to provide necessary funding for this reimbursement; and

**WHEREAS**, the City will sell notes or bonds to fund this reimbursement 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 \$4,012,824.00; 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").

**WHEREAS**, an emergency exists in the usual daily operation of the Division of Design and Construction in that the funding should be authorized immediately to maintain an accelerated project schedule, 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 The Shelly Company, 1771 Harmon Avenue, Columbus, Ohio, 43223 for the construction of the Resurfacing - Zone 3 project in the amount of \$3,648,021.83 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 \$364,802.17.

**SECTION 2.** That the 2011 Capital Improvement Budget authorized by ordinance 0266-2011 be and is hereby amended to provide sufficient authority for this project as follows:

Fund/Project / Project Name /OCA/ Current / Change / Amended

704 / 530282-100051 / Resurfacing - Resurfacing Projects / \$20,556,969.00 / (\$4,012,824.00) / \$16,544,145.00

704 / 530282-100062 / Resurfacing - Zone 3 / \$0.00 / \$4,012,824.00 / \$4,012,824.00

**SECTION 3.** The sum of \$4,012,824.00 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, 2011 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

**SECTION 4.** That the City Auditor is hereby authorized to transfer said funds to the Streets and Highways G.O. Bonds Fund, No. 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 5.** That \$4,012,824.00 is hereby appropriated within Fund 704, the Streets and Highways G.O. Bonds Fund, Dept-Div. 59 -12, Division of Design and Construction as follows:

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

704 / 530282-100062 / Resurfacing - Zone 3 / 06-6600 / 748262 / \$4,012,824.00

**SECTION 6.** That the monies appropriated in the foregoing Section 5 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 7.** 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 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 \$4,012,824.00 (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 and inspection, the sum of \$4,012,824.00 or so much thereof as may be needed, is hereby authorized to be expended from the Streets & Highways G.O. Bonds Fund, No. 704, for the Division of Design and Construction, Dept.-Div. 59-12

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount  
704 / 530282-100062 / Resurfacing - Zone 3 / 06-6631 / 748262 / \$4,012,824.00

**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.