



## Legislation Details (With Text)

**File #:** 0793-2023      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 3/7/2023      **In control:** Public Service & Transportation Committee  
**On agenda:** 4/3/2023      **Final action:** 4/5/2023

**Title:** To authorize the Director of Public Service to enter into a contract modification with Shelly & Sands, Inc. in connection with the Arterial Street Rehabilitation - Morse Road Phase 1 - Seward Street to Stygler Road project; to authorize the expenditure of up to \$3,275.58 from the Street and Highway Improvements Non-Bond Fund; to refund unused construction inspection and administration funds upon final acceptance of work; and to declare an emergency. (\$3,275.58)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord. 0793-2023 accounting template

| Date     | Ver. | Action By             | Action   | Result |
|----------|------|-----------------------|----------|--------|
| 4/5/2023 | 1    | CITY CLERK            | Attest   |        |
| 4/4/2023 | 1    | MAYOR                 | Signed   |        |
| 4/4/2023 | 1    | MAYOR                 | Signed   |        |
| 4/4/2023 | 1    | MAYOR                 | Signed   |        |
| 4/3/2023 | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 4/3/2023 | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 4/3/2023 | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 4/3/2023 | 1    | Columbus City Council | Approved | Pass   |

### 1. BACKGROUND

This legislation authorizes the Director of Public Service to modify and increase an existing contract with Shelly & Sands, Inc. for the Arterial Street Rehabilitation - Morse Road Phase 1 - Seward Street to Stygler Road project in an amount of up to \$3,275.58. It also authorizes the refund of any unused funds deposited by MORSO Holding Company for construction, construction inspection and administration for this project upon the completion of final accounting or when the Department of Public Service determines remaining funds are no longer needed for construction inspection and administration for the project.

Ordinance 1303-2020 authorized the Director of Public Service to enter into contract with Shelly & Sands, Inc. for the construction of the Arterial Street Rehabilitation - Morse Road Phase 1 - Seward Street to Stygler Road project and to provide for construction administration and inspection services.

Shelly & Sands, Inc. was awarded the contract as the lowest, responsible, and best bidder for their bid of \$6,299,921.84 which included a base bid of \$5,727,201.68 plus a 10% contingency of \$572,720.16. The 3P developer, MORSO Holding Company, deposited 50% of the contingency in the amount of \$286,360.08 at the time of award. Accordingly, the initial contract was legislated with ordinance 1303-2020 in the amount of \$6,013,561.76 to reflect a reduction in the project contingency amount from 10% to 5% of construction costs. MORSO Holding Company deposited the remaining 50% of the contingency in the amount of \$286,360.08 in February 2021. In accordance with ordinance 1303-2020, a contract modification was to be executed after the remaining contingency was deposited to increase the contract amount

to \$6,299,921.84.

As of December 5, 2022, all work on the project is complete and final acceptance has been issued. Additionally, final quantities are agreed and the final estimate has been requested. When the final estimate was drafted, the final cost of the work completed (\$6,016,837.34) exceeded the original contract amount (\$6,013,561.76) by \$3,275.58.

This modification requests to increase the original contract amount of \$6,013,561.76 by \$3,275.58 for a revised final contract amount of \$6,016,837.34.

|  |                   |                            |
|--|-------------------|----------------------------|
| The original contract amount, no inspection:     | \$6,013,561.76    | (PO229941, Ord. 1303-2020) |
| The total of Modification No. 1, no inspection:  | <u>\$3,275.58</u> | (This Ordinance)           |
| The contract amount including all modifications: | \$6,016,837.34    |                            |

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Shelly & Sands, Inc.

## **2. PLANNED MODIFICATION**

This is a planned modification that is necessary to cover the cost of the remaining final quantities now that the project is complete and final acceptance has been issued.

## **3. CONTRACT COMPLIANCE**

The contract compliance number for Shelly & Sands, Inc. is CC006043 and expires 2/3/2024.

## **4. PRE-QUALIFICATION STATUS**

Shelly & Sands, Inc. and all proposed trades subcontractors have met Code requirements with respect to pre-qualification, pursuant to relevant sections of Columbus City Code Chapter 329.

## **5. FISCAL IMPACT**

Funding in the amount of \$3,275.58 is available and appropriated within Fund 7766, the Street and Highway Improvements Non-Bond Fund, within the Department of Public Service.

## **6. MINORITY AND WOMAN OWNED BUSINESS ENTERPRISE & SMALL LOCAL BUSINESS ENTERPRISE PROGRAM**

This expenditure is to modify a contract that was put in place prior to the implementation of this program and as such is not a part of the program.

## **7. EMERGENCY DESIGNATION**

Emergency action is requested to prevent unnecessary delays in the final payment to Shelly & Sands, Inc. for the Arterial Street Rehabilitation - Morse Road Phase 1 - Seward Street to Stygler Road project.

To authorize the Director of Public Service to enter into a contract modification with Shelly & Sands, Inc. in connection with the Arterial Street Rehabilitation - Morse Road Phase 1 - Seward Street to Stygler Road project; to authorize the expenditure of up to \$3,275.58 from the Street and Highway Improvements Non-Bond Fund; to refund unused construction inspection and administration funds upon final acceptance of work; and to declare an emergency. (\$3,275.58)

**WHEREAS**, contract no. PO229941 with Shelly & Sands, Inc., in the amount of \$6,013,561.76, was authorized by ordinance no. 1303-2020; and

**WHEREAS**, it has become necessary to modify the contract in an amount up to \$3,275.58 for the purpose of paying the final construction payment in the Arterial Street Rehabilitation - Morse Road Phase 1 - Seward Street to Stygler Road project; and

**WHEREAS**, it is necessary to provide for contract payment for that project; and

**WHEREAS**, this legislation also authorizes the return of the unexpended balance of the construction, construction inspection and administration funds deposited with the City Treasurer by MORSO Holding Company; and

**WHEREAS**, this expenditure is to modify a contract that was put in place prior to the implementation of this program and as such is not a part of the program; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to enter into a contract modification with Shelly & Sands, Inc. to prevent delays in the final payment of the project, to ensure the safety of the traveling 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 hereby is authorized to enter into a contract modification with Shelly & Sands, 1515 Harmon Avenue, Columbus, Ohio, 43223, for the Arterial Street Rehabilitation - Morse Road Phase 1 - Seward Street to Stygler Road project in the amount of \$3,275.58, or so much thereof as may be needed, in accordance with the plans and specifications on file in the Department of Public Service, which are hereby approved.

**SECTION 2.** That the expenditure of \$3,275.58 or so much thereof as may be needed, is hereby authorized in Fund 7766 (Street & Highway Improvements Non-Bond Fund), Dept-Div 5912 (Design and Construction) Project P530103-100064 (Arterial Street Rehabilitation - Morse Road Phase 1 - Seward to Stygler), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 3.** That any unused funds deposited by MORSO Holding Company for construction, construction inspection and administration expenses for the Arterial Street Rehabilitation - Morse Road Phase 1 - Seward Street to Stygler Road project may be refunded upon the completion of final accounting for the project or when the Department of Public Service determines remaining funds are no longer needed for construction, construction inspection and administration for the project.

**SECTION 4.** That the funds are hereby deemed appropriated and expenditures and transfers authorized to carry out the purposes of this ordinance and the City Auditor shall establish such accounting codes as necessary.

**SECTION 5.** 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 6.** 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 7.** 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.