



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 6/28/2013 **In control:** Finance Committee

On agenda: 7/22/2013 **Final action:** 7/25/2013

Title: To authorize and direct the City Auditor to appropriate and transfer \$200,000.00 from the Special Income Tax Fund to the Construction Management Capital Improvement Fund; to authorize the City Auditor to appropriate \$200,000.00 within the Construction Management Capital Improvement Fund; to authorize the Finance and Management Director to modify and increase a contract on behalf of the Office of Construction Management with Miles McClellan Construction Company for project management services; to authorize the expenditure of \$200,000.00 from the Construction Management Capital Improvement Fund; and to declare an emergency. (\$200,000.00)

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 |

BACKGROUND: This legislation authorizes the Finance and Management Director to modify and increase a contract on behalf of the Office of Construction Management with Miles McClellan for project management services.

The original contract was authorized by Ordinance No. 1126-2010, passed July 21, 2010, for project management services and was subsequently modified by Ordinance No. 1129-2011, passed June 25, 2011 and again by Ordinance No. 1921-2012, passed October 3, 2012. This contract was bid and established with the understanding that it could be modified from time to time with the authority City Council. A modification is necessary to allow for continued project management services. The requested consulting services are for contract administration and other project management tasks necessary to perform work associated with the renovation and repair of City buildings. The work will be executed on behalf of the Office of Construction Management, in order to meet the operational needs of various departments of the City of Columbus.

Due to the fact that Miles McClellan was awarded the original contract, a modification with Miles McClellan is the logical and most expeditious option for addressing the additional project management services. Involving another firm at this point would likely lead to logistical problems, the possibility of errors, and the need to redesign and reengineer many items already completed. Therefore, it would not be in the best interests of the City to rebid. Prices already established in the contract were used to determine the cost of this modification.

Emergency action is requested so that project management services necessary to perform work associated with the renovation and repair of City buildings can occur.

Miles McClellan Construction Company Contract Compliance No. 31-0987415, expiration date February 31, 2015.

Fiscal Impact: This project is funded in the 2013 Capital Improvement Budget. Bonds have not yet to be sold for this project; therefore it is necessary to certify funds needed in the amount of \$200,000.00 against the Special Income Tax Fund. Upon sale of the bonds, this will be reimbursed.

To authorize and direct the City Auditor to appropriate and transfer \$200,000.00 from the Special Income Tax Fund to the Construction Management Capital Improvement Fund; to authorize the City Auditor to appropriate \$200,000.00 within the Construction Management Capital Improvement Fund; to authorize the Finance and Management Director to modify and increase a contract on behalf of the Office of Construction Management with Miles McClellan Construction Company for project management services; to authorize the expenditure of \$200,000.00 from the Construction Management Capital Improvement Fund; and to declare an emergency. (\$200,000.00)

WHEREAS, Ordinance No. 1126-2010, passed July 21, 2010, authorized the original contract with Miles McClellan for project management services; and

WHEREAS, Ordinance No. 1129-2011, passed June 25, 2011, authorized the contract to be modified for additional project management services; and

WHEREAS, Ordinance No. 1921-2012, passed October 3, 2012, authorized the contract to be modified for additional project management services; and

WHEREAS, various unexpected facility renovations will likely become necessary within the Finance and Management Department; 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 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 \$200,000.00; 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, the services are for contract administration and other project management tasks necessary to perform work associated with the renovation and construction of various City projects; now, therefore:

WHEREAS, an emergency exists in the usual daily operation of the Department of Finance and Management, Office of Construction Management, in that it is immediately necessary to authorize the Finance and Management Director to modify and increase a contract with Miles McClellan Construction Company, so that project management services necessary to perform work associated with the renovation and repair of City buildings can occur, thereby protecting the public health, property, peace, safety, and welfare of the City; now, therefore:

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

SECTION 1. The sum of \$200,000.00 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 Construction Management Capital Improvement Fund as follows:

Fund / Project Number / Project Name / O.L. 01-03 Codes / OCA / Amount
733 / 570030-100203 / Staff Augmentation / 06-6681 / 733203 / \$200,000.00

SECTION 3. That the Finance and Management Director is hereby authorized to modify and increase a contract on behalf of the Office of Construction Management with Miles McClellan Construction Company for project management services.

SECTION 4. That the monies appropriated in the foregoing Section 2 shall be paid upon order of the Director of Finance and Management 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 Finance and Management, 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 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 2 above.

SECTION 7. 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 \$200,000.00 (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 8. That for the purpose of paying the cost of this contract and inspection, the sum of \$200,000.00 or so much thereof as may be needed, is hereby authorized to be expended from the Construction Management Capital Improvement Budget, Fund 733 as follows:

Fund / Project Number / Project Name / O.L. 01-03 Codes / OCA / Amount
733 / 570030-100203 / Staff Augmentation / 06-6681 / 733203 / \$200,000.00

SECTION 9. 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 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.

