



## Legislation Details (With Text)

**File #:** 3062-2014      **Version:** 1

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

**File created:** 12/11/2014      **In control:** Rules & Reference Committee

**On agenda:** 12/15/2014      **Final action:** 12/18/2014

**Title:** To repeal and replace Ordinance 2612-2014; to amend sections one and two of Ordinance 1785-2014 for the purpose of making additional anticipated clarifying corrections related to the implementation of the construction procurement code; to repeal prior existing Ordinance 1785-2014; and to declare an emergency.

**Sponsors:** Andrew Ginther

**Indexes:**

**Code sections:**

**Attachments:** 1. Code 329 Amendment, Clarifying Revisions

Date	Ver.	Action By	Action	Result
12/18/2014	1	CITY CLERK	Attest	
12/16/2014	1	MAYOR	Signed	
12/15/2014	1	COUNCIL PRESIDENT	Signed	
12/15/2014	1	Columbus City Council	Approved	Pass

This ordinance repeals and replaces Ordinance 2612-2014, passed December 8, 2014, in order to add a preamble and the required ordaining language that was inadvertently left out of that ordinance. In all other respects, this ordinance is substantively the same as Ordinance 2612-2014.

On December 16, 2013 and July 28, 2014, Columbus City Council passed Ordinances 2808-2013 and 1785-2014, respectively, to modernize Chapter 329 of the Columbus City Codes, 1959. Both reflect the culmination of efforts put forth by Columbus City Council, the Administration and a working group of local business people, relative to best practices for procurement of construction services.

Implementation of the aforementioned ordinances is underway. It was anticipated that during this phase, minor clarifying corrections would be necessary. This ordinance proposes additional and anticipated clarifying corrections, including:

- Clarification of the definition of “Responsible Bidder;” and
- Clarification of bid and performance guarantee language; and
- Clarification of when to apply local and environmental preferences (with respect to construction); and
- Revision and clarification of pre-qualification timing requirements.
- Various minor clarifying edits

The previously established effective date of the code modernization process, as stated in ordinance 2808-2013, as well as other substantive issues, remain unchanged.

To repeal and replace Ordinance 2612-2014; to amend sections one and two of Ordinance 1785-2014 for the purpose of making additional anticipated clarifying corrections related to the implementation of the construction procurement code;

to repeal prior existing Ordinance 1785-2014; and to declare an emergency.

**WHEREAS**, it is necessary to repeal and replace Ordinance No. 2612-2014 in order to provide required, but non-substantive, language to the body of that ordinance; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Finance and Management in that it is immediately necessary to repeal and replace Ordinance No. 2612-2014 in order to ensure that the substantive changes that were approved by this Council in that ordinance are properly enacted, thereby preserving the public peace, property, health, safety and welfare; now, therefore

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

**SECTION 1.** That Sections 1 and 2 of Ordinance 1785-2014, which passed on July 28, 2014 and amends Sections 1-4 of Ordinance 2808-2013, which passed on December 16, 2013, be and hereby are amended to read as follows:

**SECTION 1.** That Sections 1 through 4 of Ordinance 2808-2013, which passed on December 16, 2013 and amends Sections 1-6 of Ordinance 2813-2012, be and hereby are amended to read as follows:

**SECTION 1.** That Sections 1 through 6 of Ordinance 2813-2012, passed on December 5, 2012, be and hereby are amended to read as follows:

**SECTION 1.** That the attached document (see "~~Ordinance 2813-2012 Modernizing Chapter 329 as amended to the clerk~~" see "FINAL Modernizing Chapter 329 correction ordinance 20131112" see "Code 329 Amendment, Clarifying Revisions3") is hereby enacted, effective 12:00 a.m. ~~January 1, 2014~~ January 1, 2015.

**SECTION 2.** That to prepare for the above directed enactment of Chapter 329 of the Columbus City Codes, 1959, the director of the department of finance and management is hereby authorized and directed to require the submission of prequalification applications pursuant to Sections 329.20, ~~and 329.21, and 329.211~~, Article 3, of Chapter 329, as enacted in Section 1 herein, beginning ~~August 1, 2013~~ January 1, 2014.

**SECTION 3.** That ordinance 2607-2012, which suspended application of the local credit, shall remain in effect until new Chapter 329 of the Columbus City Code, 1959, as enacted in Section 1 herein, becomes effective on ~~January 1, 2014~~ January 1, 2015.

**SECTION 4.** That existing Chapter 329 of the Columbus City Codes, 1959, is hereby repealed, effective 11:59 p.m., ~~December 31, 2013~~ December 31, 2014.

**SECTION 5.** That the following requirements of Ordinance 2813-2012 have been met: That there is hereby established the Local Business Working Group, which shall review best practices to support and incentivize local bidders and small businesses, with a special focus on support and incentives relative to Chapter 329 of the Columbus City Codes, 1959. This working group shall be led by a representative from Columbus City Council and a representative from the Mayor's Administration, and shall consist of such external stakeholders as may be necessary to carry out the mission of the working group. The Local Business Working Group shall report its findings and recommendations to the Columbus City Council and the Mayor's Administration within three (3) months of the effective date of this ordinance.

**SECTION 6.** That the following requirements of Ordinance 2813-2012 have been met: That the executive director of the Equal Business Opportunity Commission Office be and hereby is authorized and directed to develop and implement an initiative to assist small business owners and M/F/VBEs in meeting and exceeding the standards established in new Chapter 329 of the Columbus City Codes, 1959. Specific attention should

be given to providing such entities with information regarding access to health insurance, retirement plans, employee training, licensing, and bonding. To the extent practicable, the initiative should also link such entities with direct providers of the aforementioned services. No later than August 1, 2013, and from time to time thereafter, the executive director must update Columbus City Council and the Mayor's Administration on the progress of this initiative.

**SECTION 2.** That prior existing Ordinance 2813-2012 be and hereby is repealed.

**SECTION 3.** That, for the purposes of Section 1, the attached prequalification scoring matrix (see "FINAL Responsibility Prequalification Scoring Matrix 20131112") proposed by the director of finance and management as required by Section 329.21(a), Article 3, of Chapter 329, as enacted in Section 1 herein, be and hereby is approved by Columbus City Council.

**SECTION 4.** That the director of finance and management be and hereby is authorized to make technical corrections, as necessary, to the prequalification scoring matrix provided that such corrections must be provided to the office of the Council President within three (3) business days.

**SECTION 2.** That prior existing Ordinance 2808-2013 be and hereby is repealed.

**SECTION 2.** That prior existing Ordinance 1785-2014 be and hereby is repealed.

**SECTION 3.** That Ordinance No. 2612-2014, passed on December 8, 2014, is hereby repealed and replaced as provided in this Ordinance.

**SECTION 4.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is 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.