



## Legislation Details (With Text)

**File #:** 1960-2022      **Version:** 1

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

**File created:** 6/29/2022      **In control:** Public Service & Transportation Committee

**On agenda:** 7/18/2022      **Final action:** 7/20/2022

**Title:** To amend the 2021 Capital Improvements Budget; to authorize and direct the City Auditor to appropriate and transfer funds from the Special Income Tax Fund to the Streets and Highways Bond Fund; to authorize the transfer of funds and appropriation within the Streets and Highways Bond Fund; to appropriate funds within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into contract with Strawser Paving Company, Inc. for the Resurfacing - 2022 Project 2; to authorize the expenditure of up to \$8,684,233.31 from the Streets and Highways Bond Fund for the project; and to declare an emergency. (\$8,684,233.31)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1960-2022 Legislation Template

Date	Ver.	Action By	Action	Result
7/20/2022	1	CITY CLERK	Attest	
7/19/2022	1	MAYOR	Signed	
7/18/2022	1	COUNCIL PRESIDENT	Signed	
7/18/2022	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

This ordinance authorizes the Director of Public Service to enter into contract with Strawser Paving Company, Inc. for the Resurfacing - 2022 Project 2 and to provide payment for construction, construction administration and inspection services.

This contract involves repairing and resurfacing 71 city streets and constructs 299 ADA curb ramps along those streets. The work consists of milling the existing pavement, overlaying with new asphalt concrete, minor curb replacement, and replacing identified curb and sidewalk areas associated with installing ADA curb ramps. The resurfacing work includes areas of full depth pavement repair. The project also includes street curb extensions for pedestrian enhancements, traffic calming and streets with only curb replacement and 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 August 15, 2022. The project was let by the Office of Support Services through Vendor Services and Bid Express. Three bids were received on June 23, 2022, and tabulated as follows:

<u>Company Name</u>	<u>Bid Amount</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Strawser Paving Company, Inc.	\$7,967,186.52	Columbus, OH	Majority
Shelly & Sands, Inc.	\$8,190,420.95	Columbus, OH	Majority
Kokosing Construction Company	\$8,307,002.54	Westerville, OH	Majority

Award is to be made to Strawser Paving Company, Inc. as the lowest responsive and responsible and best bidder for their bid of \$7,967,186.52. The amount of construction administration and inspection services will be \$717,046.79. The total legislated amount is \$8,684,233.31.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Strawser Paving Company.

## 2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Strawser Paving Company, Inc. is CC006114 and expires 01/14/2023.

## 3. PRE-QUALIFICATION STATUS

Strawser Paving Company, Inc. and all proposed subcontractors have met code requirements with respect to pre-qualification, pursuant to relevant sections of Columbus City Code Chapter 329.

## 4. FISCAL IMPACT

Budget authority and cash for the Resurfacing work is expected to be in the 2022 Capital Improvement Budget under Resurfacing (P530282-100051). The funds will not be available to Public Service until the proceeds of the 2022 bond sale are available. Therefore, it is necessary to certify funds in the amount of \$6,986,946.79 against the Special Income Tax Fund, Fund 4430. An amendment to the 2021 Capital Improvements Budget is required to match cash received from the Special Income Tax Fund and also to establish sufficient budget authority for this project. Funds will need to be appropriated within the Special Income Tax fund and then transferred to the Streets and Highways Bond Fund where they will also need to be appropriated.

Funding in the amount of \$1,697,286.52 is budgeted and available within the Streets and Highways Bond Fund, Fund 7704. An amendment to the 2021 Capital Improvement Budget and a transfer of cash is necessary to align spending with the proper project. Funds are appropriated.

## 5. EMERGENCY DESIGNATION

Emergency action is requested in order to complete the needed improvements at the earliest possible time to ensure the safety of the traveling public.

To amend the 2021 Capital Improvements Budget; to authorize and direct the City Auditor to appropriate and transfer funds from the Special Income Tax Fund to the Streets and Highways Bond Fund; to authorize the transfer of funds and appropriation within the Streets and Highways Bond Fund; to appropriate funds within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into contract with Strawser Paving Company, Inc. for the Resurfacing - 2022 Project 2; to authorize the expenditure of up to \$8,684,233.31 from the Streets and Highways Bond Fund for the project; and to declare an emergency. (\$8,684,233.31)

**WHEREAS**, the Department of Public Service is engaged in the Resurfacing - 2022 Project 2 project; and

**WHEREAS**, the work for this project involves repairing and resurfacing 71 city streets and constructs 299 ADA curb ramps along those streets. The work consists of milling the existing pavement, overlaying with new asphalt concrete, minor curb replacement, and replacing identified curb and sidewalk areas associated with installing ADA curb ramps. The resurfacing work includes areas of full depth pavement repair. The project also includes street curb extensions for pedestrian enhancements, traffic calming and streets with only curb replacement and other work as may be necessary to complete the contract in accordance with the plans and specifications set forth in the Bid Submittal Documents; and

**WHEREAS**, Strawser Paving Company, Inc. will be awarded the contract for the Resurfacing - 2022 Project 2; and

**WHEREAS**, the Department of Public Service requires funding to be available for the Resurfacing - 2022 Project 2 for construction expense along with construction administration and inspection services; and

**WHEREAS**, it is necessary to amend the 2021 Capital Improvement Budget to establish budget authority within the correct project; and

**WHEREAS**, it is necessary to authorize a transfer of funds within Fund 7704, the Streets and Highways Bond Fund, to

establish sufficient cash to pay for the project; and

**WHEREAS**, funds will need to be appropriated within Fund 4430 (Special Income Tax) and within Fund 7704 (Streets and Highways Bond Fund); and

**WHEREAS**, funds will need to be transferred from the Special Income Tax Fund to the Streets and Highways Bond Fund; and

**WHEREAS**, the City 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 \$6,986,946.79; 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 operation of the Department of Public Service in that it is immediately necessary to authorize the Director to enter into contract with Strawser Paving Company, Inc. in order to complete the needed improvements at the earliest possible time 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 2021 Capital Improvements Budget authorized by Ordinance 2707-2021 be amended as follows to establish sufficient authority for this project:

**Fund / Project / Project Name / Current / Change / C.I.B. as Amended**

7704 / P530282-922022 / Resurfacing - 2022 Project 2 (Voted 2019 Debt SIT Supported) / \$0.00 / \$6,986,947.00 / \$6,986,947.00(Certifying against the SIT)

7704 / P532000-100000 / Vision Zero - Multilingual Educational Communications Campaign (Voted 2019 SIT Supported) / \$995,794.00 / (\$971,562.00) / \$24,232.00

7704 / P440005-100000 / UIRF - Urban Infrastructure Recovery Fund (Voted 2019 SIT Supported) / \$5,571,813.00 / (\$725,725.00) / \$4,846,088.00

7704 / P530282-922022 / Resurfacing - 2022 Project 2 (Voted 2019 Debt SIT Supported) / \$6,986,947.00 / \$1,697,287.00 / \$8,684,234.00

**SECTION 2.** That from the unappropriated monies 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 ended December 31, 2022, the sum of \$6,986,946.79 is appropriated in Fund 4430 (Special Income Tax), Dept-Div 2201 (City Auditor), in Object Class 10 (Transfer Out Operating) per the account codes in the attachment to this ordinance.

**SECTION 3.** That the transfer of \$971,562.05, or so much thereof as may be needed, is hereby authorized from Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5912 (Design and Construction), Project P532000 - 100000 (Vision Zero - Multilingual Educational Communications Campaign), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P530282-922022 (Resurfacing - 2022 Project 2), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 4.** That the transfer of \$725,724.47, or so much thereof as may be needed, is hereby authorized from Fund

7704 (Streets and Highways Bond Fund), from Dept-Div 5912 (Design and Construction), Project P440005-100000 (UIRF - Urban Infrastructure Recovery Fund), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P530282-922022 (Resurfacing - 2022 Project 2), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 5.** That the transfer of \$6,986,946.79, or so much thereof as may be needed, is hereby authorized from Fund 4430 (Special Income Tax), Dept-Div 2201 (City Auditor) to Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5912 (Design and Construction) per the account codes in the attachment to this ordinance.

**SECTION 6.** That from the unappropriated monies 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 ended December 31, 2022, the sum of \$6,986,946.79 is appropriated in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5912 (Design and Construction), Project P530282-922022 (Resurfacing - 2022 Project 2), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 7.** That the Director of Public Service be and is hereby authorized to enter into a construction services contract with Strawser Paving Company, 1595 Frank Road, Columbus, Ohio, 43223, for the Resurfacing - 2022 Project 2 project in the amount of up to \$7,967,186.52 in accordance with the specifications and plans on file in the Office of Support Services, which are hereby approved; and to pay for necessary construction administration and inspection costs associated with the project up to a maximum of \$717,046.79.

**SECTION 8.** That the expenditure of \$8,684,233.31, or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5912 (Design and Construction), Project P530282-922021 (Resurfacing - 2022 Project 2), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 9.** That the monies appropriated in the foregoing Section 2 and Section 6 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 10.** 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 5.

**SECTION 11.** 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 \$6,986,946.79 (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 12.** That 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 13.** 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 14.** 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 15.** 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.