



## Legislation Details (With Text)

**File #:** 1071-2011      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 6/27/2011      **In control:** Public Service & Transportation Committee  
**On agenda:** 7/11/2011      **Final action:** 7/13/2011

**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 5 contract; to amend the 2011 C.I.B.; to authorize the transfer of \$19,364.95 within the Governmental Build America Recreation and Parks Bond Fund ; to authorize and direct the City Auditor to transfer \$7,330,427.63 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$7,330,427.63 within the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$7,330,427.63 from the Streets and Highways G.O. Bonds Fund for the Department of Public Service and Department of Development, \$516,389.41 from the Water Super Build America Bonds Fund for the Department of Public Utilities, \$19,364.95 from the Governmental Build America Recreation and Parks Bond Fund for the Recreation and Parks Department; and to declare an emergency. (\$7,866,181.99)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1071-2011 Bid Recommendation Memo.pdf, 2. 1071-2011 Street List.pdf

Date	Ver.	Action By	Action	Result
7/13/2011	1	CITY CLERK	Attest	
7/12/2011	1	MAYOR	Signed	
7/11/2011	1	Columbus City Council	Approved	Pass
7/11/2011	1	COUNCIL PRESIDENT	Signed	
7/1/2011	1	Service Drafter	Sent for Approval	
7/1/2011	1	Auditor Reviewer	Reviewed and Approved	
7/1/2011	1	CITY AUDITOR	Reviewed and Approved	
7/1/2011	1	Service Drafter	Sent for Approval	
7/1/2011	1	CITY ATTORNEY	Reviewed and Approved	
7/1/2011	1	Service Drafter	Sent to Clerk's Office for Council	
6/30/2011	1	Finance Reviewer	Reviewed and Approved	
6/30/2011	1	Finance Reviewer	Reviewed and Approved	
6/30/2011	1	Finance Reviewer	Reviewed and Approved	
6/30/2011	1	FINANCE DIRECTOR	Reviewed and Approved	
6/29/2011	1	Service Drafter	Sent for Approval	
6/29/2011	1	EBOCO Reviewer	Sent for Approval	
6/29/2011	1	ODI DIRECTOR	Reviewed and Approved	
6/29/2011	1	Utilities Drafter	Sent for Approval	

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6/29/2011	1	UTILITIES DIRECTOR	Reviewed and Approved
6/29/2011	1	Utilities Drafter	Sent for Approval
6/28/2011	1	Service Drafter	Sent for Approval
6/28/2011	1	SERVICE DIRECTOR	Reviewed and Approved
6/28/2011	1	Service Drafter	Sent for Approval
6/28/2011	1	Utilities Reviewer	Reviewed and Approved
6/28/2011	1	Utilities Drafter	Sent for Approval
6/28/2011	1	Utilities Reviewer	Reviewed and Approved
6/28/2011	1	REC & PARKS DIRECTOR	Reviewed and Approved
6/28/2011	1	Service Drafter	Sent for Approval
6/28/2011	1	Utilities Drafter	Sent for Approval
6/28/2011	1	DEVELOPMENT DIRECTOR	Reviewed and Approved
6/27/2011	1	Service Drafter	Sent for Approval
6/27/2011	1	Service Reviewer	Reviewed and Approved

#### 1. BACKGROUND:

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the Resurfacing - Zone 5, streetscape and trench rehabilitation project.

Work to be performed as part of this project consists of the following:

Part A - Resurfacing - Repairs and resurfaces thirty one (31) city streets

Part B - ADA Curb Ramps - Constructs 558 - Americans with disabilities Act (ADA) curb ramps along those streets.

The work for part A and part B consists of milling the existing pavement, overlaying with new asphalt concrete, minor curb replacement, and replacing curb and sidewalk associated with the installation of ADA wheelchair ramps. Where warranted, the plans also call for areas of full depth pavement repair.

Wolfe Park Access Drive Resurfacing: As part of the resurfacing of Park Drive from Broad Street to Fair Avenue, this project will also resurface 2 adjoining access drives within the City of Columbus' Wolfe Park. The Recreation and Parks Department will fund the resurfacing of these access drives.

Part A and B also consists of rehabilitation and resurfacing Franklin County's portion of Shannon Road beginning at a point 1,055 feet east of Shannon Green Drive to a point 1,517 feet east of Shannon Green Drive (approx. 462 feet in length). The work consists of milling the existing pavement, overlaying with new asphalt concrete, including the installation of the aggregate berm and thermoplastic pavement markings with raised pavement markers. Where warranted, the plans also call for areas of full depth pavement rehabilitation.

Part C - West Broad Street trench rehabilitation - this portion of the project replaces 3,525 cubic yards of undesired material above a recently installed 20 inch water main and some connecting laterals along West Broad Street from approximately Richardson Avenue to 700 feet east of Lechner Avenue.

Part D - West Broad Street - Curb and Walk Replacement and Lighting Improvement - this portion of the project will replace sidewalk and curb and add decorative street lights along the south side of West Broad Street between Whitethorne and Lechner Avenues.

As part of this project 87,867 square feet of sidewalk and 558 ADA ramps will be added or reconstructed.

The estimated Notice to Proceed date is August 8, 2011. The project was let by the Office of Support Services through vendor

services. 4 bids were received on June 9, 2011 (4 majority) and tabulated on June 10, 2011 as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
The Shelly Company	\$6,893,526.92	Columbus, OH	Majority
Strawser Paving Co.	\$7,065,280.90	Columbus, OH	Majority
Shelly and Sands, Inc.	\$7,136,414.05	Columbus, OH	Majority
Kokosing Construction Company, Inc.	\$7,284,439.08	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.

The amount of this contract will be \$7,151,074.54 based on the bid documents allowing the City to award a contract for an amount more than the amount bid using the bid prices.

## 2. CONTRACT COMPLIANCE

The Shelly Company's contract compliance number is 311279704 and expires 4/15/13.

## 3. FISCAL IMPACT

There are 4 sources of funding for this project.

Part A and Part B will be funded by the Department of Public Service and the Recreation and Parks Department.

The Department of Public Service will be performing work requested by Franklin County. Franklin County will be invoiced when actual quantities are known and reimburse the City for work performed on their behalf.

Part C will be funded by the Department of Public Service and the Department of Public Utilities.

Part D will be funded by the Department of Development.

The Department of Public Service and Department of Development expense for this project can be accommodated by appropriating and transferring funds needed in the amount of \$7,330,427.63 from the Special Income Tax Fund. Bonds have yet to be sold for the whole project, necessitating a certification of \$7,330,427.63 against the Special Income Tax Fund. Upon sale of bonds, this will be reimbursed.

The Recreation and Parks Department share of this project will be funded from the Governmental Build America Recreation and Parks Bond Fund. The Department of Public Utilities' share of the project will be funded from the Water Super Build America Bonds Fund.

## 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 5 contract; to amend the 2011 C.I.B.; to authorize the transfer of \$19,364.95 within the Governmental Build America Recreation and Parks Bond Fund ; to authorize and direct the City Auditor to transfer \$7,330,427.63 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$7,330,427.63 within the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$7,330,427.63 from the Streets and Highways G.O. Bonds Fund for the Department of Public Service and Department of Development, \$516,389.41 from the Water Super Build America Bonds Fund for the Department of Public Utilities, \$19,364.95 from the Governmental Build America Recreation and Parks Bond Fund for the Recreation and Parks Department; and to declare an emergency. (\$7,866,181.99)

**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 City streets and other Capital Improvements as part of the Resurfacing - Zone 5, streetscape and trench rehabilitation project; and

**WHEREAS**, work on this project is described as follows:

Part A - Resurfacing - Repairs and resurfaces thirty one (31) city streets

Part B - ADA Curb Ramps - Constructs 558 - Americans with disabilities Act (ADA) curb ramps along those streets.

The work for part A and part B consists of milling the existing pavement, overlaying with new asphalt concrete, minor curb replacement, and replacing curb and sidewalk associated with the installation of ADA wheelchair ramps. Where warranted, the plans also call for areas of full depth pavement repair.

Part C - West Broad Street trench rehabilitation - this portion of the project replaces 3,525 cubic yards of undesired material above a recently installed 20 inch water main and some connecting laterals along West Broad Street from approximately Richardson Avenue to 700 feet east of Lechner Avenue.

Part D - West Broad Street - Curb and Walk Replacement and Lighting Improvement - this portion of the project will replace sidewalk and curb and add decorative street lights along the south side of West Broad Street between Whitethorne and Lechner Avenues.

**WHEREAS**, bids were received on June 9, 2011, and tabulated on June 10, 2011, for the Resurfacing - Zone 5 project and a satisfactory bid has been received; and

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

**WHEREAS**, it is necessary to transfer funds from the Special Income Tax Fund to 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 aggregate principal amount of obligations which the city will issue to finance this project is presently expected not to exceed \$7,330,427.63; 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**, it is necessary for this Council to authorize the City Auditor to transfer and expend funds within the Water Super Build America Bonds Fund for the Recreation and Parks Department; and

**WHEREAS**, funds are being moved to an alternate project within Fund 746 to establish the correct funding location for this project for the Department of Recs and Parks; and

**WHEREAS**, it is necessary to authorize an amendment to the 2011 Capital Improvements Budget for purposes of providing sufficient funding and expenditure authority for the aforementioned project expenditure; and

**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 immediately 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 5 project in the amount of 7,151,074.54 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 \$715,107.45.

**SECTION 2.** That the 2011 Capital Improvements Budget Ord. # 0266-2011 is hereby amended as follows in order to provide sufficient budget authority for this legislation from dept 51-01:

**CURRENT:**

Fund 746; Project 510035-10004 /Facility Plumbing and Electric/ \$12,925 (Voted carryover)

Fund 746; Project 510035-100004/Facility Improvements/ \$0 (Voted carryover) \$6,440 AC partial Cancellation, 2010 Auditor's certificate

Fund 746; Project 510017-100004 /Neighborhood Park Renovations/ \$225,000 (Voted carryover)

**AMENDED TO:**

Fund 746; Project 510035-100040 /Facility Plumbing and Electric/ \$0 (Voted carryover)

Fund 746; Project 510035-100004/Facility Improvements/ \$0 (Voted carryover)

Fund 746; Project 510017-100004 /Neighborhood Park Renovations/ \$244,365 (Voted carryover)

**SECTION 3.** That the 2011 Capital Improvements Budget is hereby amended as follows for the Division of Power and Water:

**Fund No. | Proj. No. | Proj. Name | Current Authority | Revised Authority | Change**

610 | 690479-100001 (carryover) | Security Enhance.-Bethel Booster Sta. | \$1,800,000 | \$1,283,610 | -\$516,390

610 | 690451-100000 (carryover) | W. Broad W.M. | \$0 | \$516,390 |+\$516,390

**SECTION 4.** That the City Auditor is hereby authorized to transfer \$19,364.95 within the voted Recreation and Parks Bond Fund No. 746 for projects listed below:

**FROM:**

Fund	Project	OCA Code	O.L. 01-03 Codes	Amount
746	510035-100040	743540	06-6621	\$12,925.00
746	510035-100004	763504	06-6621	\$6,439.95

**TO:**

Fund	Project	OCA Code	O.L. 01-03 Codes	Amount
746	510017-100004	761704	06-6621	\$19,364.95

**SECTION 5.** The sum of \$7,330,427.63 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 6.** 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 7.** That \$7,330,427.63 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 / 530282-100064 / Resurfacing - Zone 5 / 06-6600 / 748264 / \$7,060,919.75
704 / 440005-100015 / UIRF - Miscellaneous / 06-6600 / 740515 / \$269,507.88

**SECTION 8.** That the monies appropriated in the foregoing Section 7 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 9.** 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 6 above.

**SECTION 10.** That the City Auditor is authorized to establish proper accounting project numbers, and to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds transferred in Section 6, above.

**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 \$7,330,427.63 (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.** All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

**SECTION 13.** That the City Auditor is hereby authorized to transfer \$516,389.41 within the Department of Public Utilities, Division of Power and Water, Water Super Build America Bonds Fund, Fund No. 610, Dept./Div. No. 60-09, Object Level One 06, as follows:

<u>Fund No.</u>	<u>Project No.</u>	<u>Project Name</u>	<u>OCA Code</u>	<u>OL3</u>	<u>Change</u>
610	690479-100001 (carryover)	Security Enhance.-Bethel Booster Sta.	610479	6600	-\$516,389.41
610	690451-100000 (carryover)	W. Broad W.M.	610541	6629	+\$469,444.92
610	690451-100000 (carryover)	W. Broad W.M.	610541	6687	+\$46,944.49

**SECTION 14.** That for the purpose of paying the cost of the contract and inspection, the sum of \$7,866,181.99 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, the Water Super Build America Bond Fund, No. 610 for the Department of Public Utilities, and the Governmental Build America Recreation and Parks Bond Fund, No. 746, for the Recreation and Parks Department:

<u>Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount</u>
704 / 530282-100064 / Resurfacing - Zone 5 / 06-6631 / 748264 / \$6,419,017.96 (DPS Contract)
704 / 530282-100064 / Resurfacing - Zone 5 / 06-6687 / 748264 / \$641,901.79 (DPS Inspection)
704 / 440005-100015 / UIRF - Miscellaneous / 06-6621 / 740515 / \$245,007.16 (Development Contract)
704 / 440005-100015 / UIRF - Miscellaneous / 06-6687 / 740515 / \$24,500.72 (Development Inspection)

**Department of Public Utilities:**

**Division of Power and Water (Water)**

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

610 / 690451-100000 (carryover) / W. Broad W.M. / 06-6629 / 610541 / \$469,444.92 (DPU Contract)
610 / 690451-100000 (carryover) / W. Broad W.M. / 06-6687 / 610541 / \$46,944.49 (DPU Inspection)

**Recreation and Parks Department**

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

746 / 510017-100004/ Neighborhood Park Renovations / 6621 / 761704 / \$17,604.50 (Recs & Parks Contract)
746 / 510017-100004/ Neighborhood Park Renovations / 6621 / 761704/ \$1760.45 (Recs & Parks Inspection)

**SECTION 15.** 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 16.** 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.