



## Legislation Details (With Text)

**File #:** 0491-2010      **Version:** 1

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

**File created:** 3/16/2010      **In control:** Public Service & Transportation Committee

**On agenda:** 4/5/2010      **Final action:** 4/6/2010

**Title:** To authorize the Director of Public Service to enter into contract with Shelly and Sands Inc, in connection with the River South - Phase 2 Project; to authorize the appropriation of funds within the State Issue II Street Projects Fund and the Fed-State Highway Engineering Fund; to authorize the transfer of appropriation from the State Issue II Street Projects Fund to the Fed-State Highway Engineering Fund; and to authorize the expenditure of \$10,409,728.40 from the Fed-State Highway Engineering Fund, the Elec B.A.B.s (Build America Bonds Fund for the Division of Power and Water (Power), the Water B.A.B.s (Build America Bonds) Fund for the Division of Power and Water (Water), to transfer funds within the Division of Sewerage and Drainage, Sanitary B.A.B.s (Build America Bonds) Fund, to amend the 2009 Capital Improvements Budget to establish sufficient budget authority, and the Recreation and Parks G.O. Bonds Fund (Department of Recreation and Parks); and to declare an emergency. (\$10,409,728.34)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 0491-2010 Bid Recommendation.pdf

Date	Ver.	Action By	Action	Result
4/6/2010	1	MAYOR	Signed	
4/6/2010	1	CITY CLERK	Attest	
4/5/2010	1	Columbus City Council	Approved	Pass
4/5/2010	1	COUNCIL PRESIDENT	Signed	
3/26/2010	1	Service Drafter	Sent for Approval	
3/26/2010	1	EBOCO Reviewer	Sent for Approval	
3/26/2010	1	ODI DIRECTOR	Reviewed and Approved	
3/26/2010	1	Service Drafter	Sent to Clerk's Office for Council	
3/25/2010	1	Auditor Reviewer	Reviewed and Approved	
3/25/2010	1	CITY AUDITOR	Reviewed and Approved	
3/25/2010	1	Service Drafter	Sent for Approval	
3/25/2010	1	CITY ATTORNEY	Reviewed and Approved	
3/24/2010	1	Finance Reviewer	Reviewed and Approved	
3/24/2010	1	Finance Reviewer	Reviewed and Approved	
3/24/2010	1	FINANCE DIRECTOR	Reviewed and Approved	
3/24/2010	1	Service Drafter	Sent for Approval	
3/23/2010	1	Service Reviewer	Reviewed and Approved	
3/23/2010	1	Service Drafter	Sent for Approval	

3/23/2010	1	SERVICE DIRECTOR	Reviewed and Approved
3/23/2010	1	Service Drafter	Sent for Approval
3/22/2010	1	REC & PARKS DIRECTOR	Reviewed and Approved
3/22/2010	1	Service Drafter	Sent for Approval
3/19/2010	1	Utilities Reviewer	Reviewed and Approved
3/19/2010	1	Utilities Drafter	Sent for Approval
3/19/2010	1	Utilities Reviewer	Reviewed and Approved
3/19/2010	1	Utilities Drafter	Sent for Approval
3/19/2010	1	Utilities Reviewer	Sent for Approval
3/19/2010	1	UTILITIES DIRECTOR	Reviewed and Approved
3/19/2010	1	Utilities Drafter	Sent for Approval
3/19/2010	1	Service Drafter	Sent for Approval
3/18/2010	1	Utilities Drafter	Sent for Approval
3/18/2010	1	Utilities Drafter	Sent for Approval
3/18/2010	1	Utilities Reviewer	Reviewed and Approved
3/17/2010	1	Utilities Drafter	Sent for Approval

**1. BACKGROUND**

The City of Columbus, Department of Public Service, Division of Design and Construction, and the Department of Public Utilities Division of Sewerage and Drainage and Division of Power and Water are engaged in the River South - Phase 2 Project. This legislation authorizes the Director of Public Service to enter into a contract in an amount up to \$9,463,389.40 for the River South Roadway Improvements - Phase 2 Project and to pay construction inspection costs up to \$946,338.94.

The Notice to Proceed date is estimated to be April 19, 2010. The expected final completion date is October 7, 2010. The project was let by the Office of Support Services and was advertised in the City Bulletin. 4 bids were received on February 16, 2010 (4 majority,0 minority) and tabulated on February 17, 2010 as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Shelly and Sands Inc.	\$9,463,389.40	Columbus, OH	Majority
George J. Igel & Co. Inc.	\$9,910,996.41	Columbus, OH	Majority
Complete General Construction Co.	\$10,369,684.30	Columbus, OH	Majority
Trucco Construction Company, Inc.	\$11,495,356.10	Delaware, OH	Majority

Award is to be made to Shelly and Sands Inc. , as the lowest, best, most responsive and most responsible bidder.

The purpose of this project is to reconstruct 0.21 miles of Front Street between Mound Street and Rich Street; reconstruct 0.20 miles of Rich Street between Civic Center Drive and High Street; reconstruct 0.23 miles of Main Street between Second Street and High Street; and widen and resurface 0.11 miles of Main Street between Second Street and Civic Center Drive. Improvements within the project limits include upgraded sidewalks with pedestrian crossing upgrades at intersections, landscaping, storm sewers, water lines, street lighting, and traffic control devices.

0.43 miles of an approximate 14 foot wide sidewalk will be added or reconstructed in this project on the east and west sides of Front Street. 0.42 miles of an approximate 17 foot wide sidewalk will be added or reconstructed in this project on the north and south sides of Rich Street. 0.58 miles of an approximate 17 foot wide sidewalk will be added or reconstructed in this project on the north and south sides of Main Street. 60 ADA ramps will be added or reconstructed in this project. There are 4 bus stops and transit routes within the limits of this project.

This project complies with the recommendation of the Pedestrian Thoroughfare Plan, as the Division of Mobility Options reviewed walk widths for anticipated future activity.

Pedestrian generators and destinations impacting the proposed project include the Supreme Court House, Franklin County Court House, Lazarus Building, Front and Rich Street City Parking Garage, Columbia Gas Building, Bicentennial Building, Scioto Mile Park and other buildings within the Central Ohio Business District.

Environmental "Green" materials or processes associated with this project include 20 bioretention basins along Rich Street and 23 bioretention basins along Main Street.

This project has been awarded a grant in an amount up to \$3,745,000.00 and 20 year - 0% interest loan in an amount up to \$1,255,000.00 by the Ohio Public Works Commission.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Shelly and Sands Inc.

## **2. CONTRACT COMPLIANCE**

Shelly and Sands Inc's contract compliance number is 314351261 and expires 2/26/12.

## **3. FISCAL IMPACT**

There are several different sources of funding available for this project which has an estimated construction cost of \$10,409,728.46. The City received up to \$5,000,000.00 of OPWC funding in the form of a grant and loan from the Ohio Public Works Commission and \$5,500,000.00 in American Recovery and Reinvestment Act (ARRA) funding.

Expected reimbursement from the OPWC grant from estimated project costs is \$1,640,684.11. Monies to pay for the cost of this contract and inspection are available within the Elec B.A.B.s (Build America Bonds Fund for the Division of Power and Water (Power), the Water B.A.B.s (Build America Bonds) Fund for the Division of Power and Water (Water), to transfer within and expend \$1,077,751.85 in funds from the Division of Sewerage and Drainage, Sanitary B.A.B.s (Build America Bonds) Fund, to amend the 2009 Capital Improvements Budget to establish sufficient budget authority, and the Recreation and Parks G.O. Bonds Fund for the Department of Recreation and Parks and expenditures will be authorized from the individual Division Funds and from the Fed-State Highway Engineering Fund for the Division of Design and Construction.

## **4. EMERGENCY JUSTIFICATION**

This project has been identified as a Federal stimulus package project. Emergency action is necessary to maintain the city's ability to fulfill the project scheduling requirements of the stimulus funding.

To authorize the Director of Public Service to enter into contract with Shelly and Sands Inc, in connection with the River South - Phase 2 Project; to authorize the appropriation of funds within the State Issue II Street Projects Fund and the Fed-State Highway Engineering Fund; to authorize the transfer of appropriation from the State Issue II Street Projects Fund to the Fed-State Highway Engineering Fund; and to authorize the expenditure of \$10,409,728.40 from the Fed-State Highway Engineering Fund, the Elec B.A.B.s (Build America Bonds Fund for the Division of Power and Water (Power), the Water B.A.B.s (Build America Bonds) Fund for the Division of Power and Water (Water), to transfer funds within the Division of Sewerage and Drainage, Sanitary B.A.B.s (Build America Bonds) Fund, to amend the 2009 Capital Improvements Budget to establish sufficient budget authority, and the Recreation and Parks G.O. Bonds Fund (Department of Recreation and Parks); and to declare an emergency. (\$10,409,728.34)

**WHEREAS**, the City of Columbus, Department of Public Service, Division of Design and Construction, the Department of Public Utilities Division of Sewerage and Drainage and Division of Power and Water; and the Department of Recreation and Parks are engaged in the River South - Phase 2 Project; and

**WHEREAS**, the purpose of this project is to reconstruct 0.21 miles of Front Street between Mound Street and Rich Street; reconstruct 0.20 miles of Rich Street between Civic Center Drive and High Street; reconstruct 0.23 miles of Main Street between Second Street and High Street and widen and resurface 0.11 miles of Main Street between Second Street and Civic Center; and

**WHEREAS**, other improvements contemplated by this project include upgraded sidewalks with pedestrian crossing upgrades at intersections, landscaping, storm sewers, water lines, street lighting, and traffic control devices; and

**WHEREAS**, this legislation authorizes the Director of Public Service to enter into contract with Shelly and Sands, Inc. for the construction of the project and to provide funds for inspection of this project; and

**WHEREAS**, it is necessary to authorize an amendment to the 2009 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure: and

**WHEREAS**, it is necessary to authorize the transfer within funds from the Sanitary B.A.B. (Build America Bonds) Fund in the amount of \$1,077,751.85 for purposes of providing sufficient funding for the aforementioned project expenditure; and

**WHEREAS**, the Department of Public Service, Division of Design and Construction has been awarded a grant in the amount of \$3,745,000.00 and also has been offered the opportunity to borrow a total of \$1,255,000.00 for the River South - Phase 2 project on Front Street between Mound Street and Rich Street; Rich Street between Civic Center Drive and High Street; Main Street between Second Street and High Street; and Main Street between Second Street and Civic Center Drive by means of a 20 year, 0% interest loan; and

**WHEREAS**, it has been determined that it is in the best interests of the City to borrow said funds, and

**WHEREAS**, it is necessary to declare the official intent to borrow these funds to comply with the Internal Revenue Service, and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service, Division of Design and Construction, in that this project has been designated a Federal Stimulus Package project and it is immediately necessary to authorize the expenditure of the additional funds, required to complete design and provide engineering services during construction, to maintain the project schedule, thereby preserving the Federal funds and 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 the Department of Public Service be and is hereby authorized to enter into contract with Shelly and Sands, Inc., 1515 Harmon Avenue, Columbus, Ohio 43223 in an amount not to exceed \$9,463,389.40 for the construction of the River South - Phase 2 Project, and to pay construction inspection costs up to \$946,338.94.

**Section 2.** That the expenditure of \$10,409,728.34 be authorized to fund the construction and inspection of this project as follows:

Division of Design and Construction (Dept-Div 59-12)

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

765 / 598093-200000 / ARRA - River South Phase 2 / 06-6631 / 598093 / \$6,491,531.01

765 / 598093-200000 / ARRA - River South Phase 2 / 06-6687 / 598093 / \$649,153.10

Division of Power and Water (Water) (Dept-Div 60-09)

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

609 / 690236-100021 / River South Phase 2 / 06-6629 / 623621 / \$1,622,969.90

609 / 690236-100021 / River South Phase 2 / 06-6687 / 623621 / \$162,296.99

Division of Power and Water (Power) (Dept-Div 60-07)

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

559 / 670790-100000 / Front Street / 06-6625 / 559790 / \$277,827.28

559 / 670790-100000 / Front Street / 06-6687 / 559790 / \$27,782.73

Division of Sewerage and Drainage (Sanitary) (Dept-Div 60-05)

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

668 / 650404-100039 / River South Phase II / 06-6630 / 654439 / \$979,774.41

668 / 650404-100039 / River South Phase II / 06-6687 / 654439 / \$97,977.44

Department of Recreation and Parks(Dept-Div 51-01)

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

702 / 510017-100043 / Greenways / 06-6621 / 644526 / \$91,286.80

702 / 510017-100043 / Greenways / 06-6687 / 644526 / \$9,128.68

**Section 3.** That the City Auditor is hereby authorized to transfer \$1,077,751.85 within the Department of Public Utilities Division of Sewerage and Drainage, Dept/Div. No. 60-05, Sewerage and Drainage Sanitary B.A.B.s (Build America Bonds) Fund, Fund No. 668, Object Level Three 6630, as follows:

**From:**

**Project No. | Project Name | OCA Code | Change**

650348-100002 | WWTFs Instrumentation & Control System Upgrade | 652348 | (-\$1,077,751.85)

To:

**Project No. | Project Name | OCA Code | Change**

650404-100039 | River South Phase 2 | 654439 | (+\$1,077,751.85)

**Section 4.** That the 2009 Capital Improvements Budget established within ordinance 0806-2009 be and hereby is amended to provide sufficient authority for this project as follows:

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

668 / 650348-100002 / WWTFs Instrumentation & Control System Upgrade / \$3,387,074 / \$2,309,322 | (-\$1,077,752)

668 / 650404-100039 / River South Phase II / \$801,607 / \$1,879,359 / (+\$1,077,752)

**Section 5.** That the 2009 Capital Improvements Budget Ordinance No. 0806-2009 is hereby amended as follows in order to provide sufficient budget authority for this expenditure legislation:

**CURRENT:**

Fund 702; Project 510316-100000 /Greenways/ \$1,300,379 (carryover)

Fund 702; Project 510017-100043 /Park and Playground - RiverSouth Phase II / \$0 (carryover)

**AMENDED TO:**

Fund 702; Project 510316-100000 /Greenways/ \$1,199,963.00 (carryover)

Fund 702; Project 510017-100043 /Park and Playground - RiverSouth Phase II / \$100,416.00(carryover)

**Section 6.** That the City Auditor is hereby authorized to transfer \$100,415.48 within the Voted 1999/2004 Parks and Recreation Bond Fund No. 702, from project listed below:

**FROM:**

Project 510316-100000, OCA 644526, Obj Level 3 6600: \$100,415.48

**TO:**

Project Project 510017-100043, OCA 644526, Obj level 3 6600: \$100,415.48

**Section 7.** That the sum of \$1,640,684.11 be and hereby is appropriated from the unappropriated balance of Fund 764, the State Issue II Street Projects Fund, and from all monies estimated to come into said funds from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2010 as follows:

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

764 / 598086-100000 / River South Phase 2 / 10-5501 / 598086 / \$1,640,684.11

**Section 8.** That the Transfer of appropriation between the following funds be authorized as follows:

Transfer from:

**Fund / Project # / Project / O.L. 01-03 Codes / OCA Code**

764 / 598086-100000 / River South Phase 2 / 10-5501 / 598086 / \$1,640,684.11

Transfer To:

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

765 / 598093-200000 / River South Phase 2 / 80-0886 / 598093 / \$1,640,684.11

**Section 9.** That the sum of \$7,140,684.11 be and hereby is appropriated from the unappropriated balance of Fund 765, the Fed-State Highway Engineering Fund, and from all monies estimated to come into said funds from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2010 as follows:

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

765 / 598093-200000 / River South Phase 2 / 06-6600 / 598093 / \$7,140,684.11

**Section 10.** That on behalf of the State of Ohio, the City of Columbus reasonably expects to reimburse Fund 765, the Fed-State Highway Engineering Fund, for the River South Phase 2 project on Front Street between Mound Street and Rich Street; Rich Street between Civic Center Drive and High Street; Main Street between Second Street and High Street; and Main Street between Second Street and Civic Center Drive in Appendix A of the project agreements with the proceeds of bonds to be issued by the State of Ohio.

**Section 11.** The maximum aggregate principal amount of bonds, other than for costs of issuance, expected to be issued by the State of Ohio for reimbursement to the local subdivision is \$1,255,000.00.

**Section 12.** That the City Clerk of the City of Columbus is hereby directed to make a copy of this ordinance available for the inspection and examination of all persons interested therein and to deliver a copy of this ordinance to the Ohio Public Works Commission.

**Section 13.** That the City of Columbus finds and determines that all formal actions of this City concerning and relating to the passage of this ordinance were taken in an open meeting of the City of Columbus and that all deliberations of this City and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

**Section 14.** 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 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.