



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 7/1/2013 **In control:** Public Safety & Judiciary Committee

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

Title: To authorize and direct the City Auditor to appropriate and transfer \$1,776,188.00 from the Special Income Tax Fund to the Safety Voted Bond Fund; to authorize the City Auditor to appropriate \$1,776,188.00 within the Safety Voted Bond Fund; to authorize the Finance and Management Director to enter into a contract on behalf of the Office of Construction Management with Newcomer Concrete Services, Inc. for the restoration of the parking lots and driveways at various Division of Fire facilities; to authorize the expenditure of \$1,776,188.00 from the Safety Voted Bond Fund; and to declare an emergency. (\$1,776,188.00)

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 enter into a contract on behalf of the Office of Construction Management with Newcomer Concrete Services, Inc. for the restoration of the parking lots and driveways at various Division of Fire facilities. These Division of Fire facilities are Fire Station No. 5, 211 McNaughten Road; Fire Station No. 17, 2250 W Broad Street; Fire Station No. 24, 1585 Morse Road; Fire Station No. 26, 5433 Fisher Road; Fire Station No. 30, 3555 Fishinger Boulevard; and Fire Station No. 31, 5305 Alkire Road.

Formal bids were solicited and the City received two bids on June 24, 2013 as (0 FBE, 0 MBE) as follows:

| | |
|----------------------------------|----------------|
| Newcomer Concrete Services, Inc. | \$1,776,188.00 |
| Columbus Asphalt Paving | \$1,905,000.00 |

The Office of Construction Management recommends the bid award be made to the most responsive and responsible bidder, Newcomer Concrete Services, Inc.

Emergency action is requested so that the fire pavement restoration can be completed this fall before the snow and ice exacerbate the poor conditions of the existing concrete and asphalt surfaces.

Contract Compliance No. Newcomer Concrete Services, Inc. 34-1302197, expiration date February 7, 2014.

Fiscal Impact: This project is funded in the 2013 Capital Improvements Budget. Bonds have not yet been sold for this project; therefore it is necessary to certify funds needed in the amount of \$1,776,188.00 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 \$1,776,188.00 from the Special Income Tax Fund to the Safety Voted Bond Fund; to authorize the City Auditor to appropriate \$1,776,188.00 within the Safety Voted Bond Fund; to authorize the Finance and Management Director to enter into a contract on behalf of the Office of Construction Management with Newcomer Concrete Services, Inc. for the restoration of the parking lots and driveways at various Division of Fire facilities; to authorize the expenditure of \$1,776,188.00 from the Safety Voted Bond Fund; and to declare an emergency. (\$1,776,188.00)

WHEREAS, the Finance and Management Department, Office of Construction Management needs to enter into a contract for the restoration of the parking lots and driveways at various Division of Fire facilities; and

WHEREAS, Newcomer Concrete Services, Inc. is the most responsive and responsible bidder; 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 \$1,776,188.00; 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, 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 enter into a contract with Newcomer Concrete Services, Inc. for the restoration of the parking lots and driveways at various Division of Fire facilities, so that the fire pavement restoration can be completed this fall before the snow and ice exacerbate the poor conditions of the existing concrete and asphalt surfaces, thereby protecting the public health, property, peace, safety, and welfare; now, therefore:

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

SECTION 1. The sum of \$1,776,188.00 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 Safety Voted Bond Fund, Fund 701 as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
701/330021-100000/Police Facility Renovation/ 06-6620/713321/\$250,000.00

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

701/340103-100000/Fire Facility Renovation / 06-6620/711103/\$1,526,188.00

SECTION 3. That the Director of Finance and Management is hereby authorized to enter into a contract on behalf of the Office of Construction Management with Newcomer Concrete Services, Inc. for the restoration of the of the parking lots and driveways at various Division of Fire facilities.

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 \$1,776,188.00 (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, the sum of \$1,776,188.00 or so much thereof as may be needed, is hereby authorized to be expended from the Safety Voted Bond Fund as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
701/330021-100000/Police Facility Renovation/06-6620/713321/\$250,000.00

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
701/340103-100000/Fire Facility Renovation/06-6620/711103/\$1,526,188.00

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.