



Legislation Details (With Text)

File #: 1303-2020 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 5/28/2020 **In control:** Public Service & Transportation Committee

On agenda: 6/15/2020 **Final action:** 6/18/2020

Title: To amend the 2019 Capital Improvement Budget; to appropriate funds within the Federal Transportation Grant Fund and within the Street & Highway Improvements Non-Bond Fund; to authorize the Director of Public Service to enter into contract with Shelly & Sands for the Arterial Street Rehabilitation - Morse Road Phase 1 - Seward to Stygler project; to authorize the expenditure of up to \$2,447,770.14 from the Federal Transportation Grants Fund and up to \$4,165,783.81 from the Street & Highway Improvements Non-Bond Fund for the project; and to declare an emergency. (\$6,643,553.95)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD 1303-2020 Accounting Template

Date	Ver.	Action By	Action	Result
6/18/2020	1	CITY CLERK	Attest	
6/17/2020	1	MAYOR	Signed	
6/15/2020	1	COUNCIL PRESIDENT	Signed	
6/15/2020	1	Columbus City Council	Approved	Pass

1. BACKGROUND

This ordinance authorizes the Director of Public Service to enter into contract with Shelly & Sands for the Arterial Street Rehabilitation - Morse Road Phase 1 - Seward to Stygler project and to provide payment for construction, construction administration and construction inspection services.

This contract consists of the widening of Morse Road to provide three lanes eastbound from I-270 to Stygler Road, and three lanes westbound from I-270 to the Water Plant driveway located approximately 1,300 feet west of Stygler Road. The work includes adding additional turn lanes at the intersections throughout the project limits, installing a raised median at the driveways just west of Appian Way, traffic signal replacement, overhead guide sign upgrades, sidewalk and shared-use paths, water lines, storm water basin, landscaping and street lighting.

The City and MORSO Holding Company are engaged in a Public-Private Partnership (3P) to construct certain public infrastructure improvements that benefit the Easton area, and have executed a Tax Increment Financing Agreement (“TIF Agreement”) to advance that effort. The Arterial Street Rehabilitation - Morse Road Phase 1 - Seward to Stygler project is one of the improvements. Ordinance 0261-2020 authorized the City and MORSO Holding Company to enter into a Construction Contribution Agreement whereby MORSO Holding Company agreed to deposit funds with the City toward the completion of the project. Pursuant to the existing TIF Agreement, MORSO is eligible to receive reimbursement from the Easton TIF for a portion of its contribution to the project.

The estimated Notice to Proceed date for the project is July 17, 2020. The project was let by the Office of Support Services through Vendor Services and Bid Express. Three bids were received on May 14, 2020, and tabulated as follows:

<u>Company Name</u>	<u>Bid Amount</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
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Shelly and Sands, Inc.	\$6,299,921.84	Columbus, OH	Majority
Complete General Const. Co.	\$6,402,112.36	Columbus, OH	Majority
Double Z Construction Co.	\$7,209,444.56	Columbus, OH	Majority

Award is to be made to Shelly & Sands as the lowest responsive and responsible and best bidder for their bid of \$6,299,921.84. The initial contract amount will be reduced to \$6,013,561.76 to reflect a reduction in the project contingency amount from 10% of construction costs to 5%. The amount of construction administration and inspection services will be \$629,992.19. The total legislated amount is \$6,643,553.95

A contract modification is planned in February of 2021 when MORSO is scheduled to deposit the remainder of the project contingency funds. The contract completion date is July 21, 2022.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Shelly & Sands.

2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Shelly & Sands is CC006043 and expires 2/21/22.

3. PRE-QUALIFICATION STATUS

Shelly & Sands 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

This is a reimbursable budgeted expense of \$2,477,770.14 for this project within the Federal Transportation Grant Fund, Fund 7765, Grant #G591902 (Morse Road Phase 1 - Seward St to Stygler Rd 106390). Funds need to be appropriated.

Franklin County contributed \$2,000,000.00 for the project. This funding was deposited in Fund 7766 (Street and Highway Improvements Non-Bond Fund), Project P530103-100064 (Arterial Street Rehabilitation - Morse Road Phase 1 - Seward to Stygler) with ALE071539. The funds will need to be appropriated. It will also be necessary to do a capital budget amendment to match cash.

MORSO Holding Company contributed \$2,165,783.81 for the project. This funding was deposited in Fund 7766 (Street and Highway Improvement Non-Bond Fund), Project P530103-100064 (Arterial Street Rehabilitation - Morse Road Phase 1 - Seward to Stygler) with ALE071820. The funds will need to be appropriated. It will also be necessary to do a capital budget amendment to match cash.

MORSO is to deposit an additional \$286,360.08 in February of 2021. An ordinance is anticipated to be submitted at that time to modify the construction contract to add these funds to the contract contingency amount.

5. EMERGENCY DESIGNATION

Emergency action is requested in order to complete needed improvements at the earliest possible time to increase the safety of the traveling public and to meet community commitments.

To amend the 2019 Capital Improvement Budget; to appropriate funds within the Federal Transportation Grant Fund and within the Street & Highway Improvements Non-Bond Fund; to authorize the Director of Public Service to enter into contract with Shelly & Sands for the Arterial Street Rehabilitation - Morse Road Phase 1 - Seward to Stygler project; to authorize the expenditure of up to \$2,447,770.14 from the Federal Transportation Grants Fund and up to \$4,165,783.81 from the Street & Highway Improvements Non-Bond Fund for the project; and to declare an emergency. (\$6,643,553.95)

WHEREAS, the City and MORSO Holding Company are engaged in a Public-Private Partnership (3P) to construct certain public infrastructure improvements that benefit the Easton area, and have executed a Tax Increment Financing Agreement (“TIF Agreement”) to advance that effort; and

WHEREAS, the Department of Public Service is engaged in the Arterial Street Rehabilitation - Morse Road Phase 1 - Seward to Stygler project, one of the 3P projects under that partnership; and

WHEREAS, the work for this project consists of the widening of Morse Road to provide three lanes eastbound from I-270 to Stygler Road, and three lanes westbound from I-270 to the Water Plant driveway located approximately 1,300 feet west of Stygler Road; 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, Shelly & Sands will be awarded the contract for the Arterial Street Rehabilitation - Morse Road Phase 1 - Seward to Stygler project; and

WHEREAS, the Department of Public Service requires funding to be available for the Arterial Street Rehabilitation - Morse Road Phase 1 - Seward to Stygler project for construction expense along with construction administration and inspection services; and

WHEREAS, Federal Transportation grant funds, a contribution from Franklin County, and funding from MORSO will be used to fund this project; and

WHEREAS, funds will need to be appropriated within the Federal Transportation Grant Fund and the Street and Highway Improvement Non-Bond Fund; and

WHEREAS, it is necessary to amend the 2019 Capital Improvement Budget; and

WHEREAS, it is necessary to pay for the contract work and for construction inspection and construction administration services related to 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 Shelly & Sands in order to complete needed improvements at the earliest possible time to increase the safety of the traveling public and to meet community commitments, 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 2019 Capital Improvement Budget authorized by Ordinance 1326-2019 be amended as follows to establish sufficient budget authority for this project:

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

7766 / P530103-100064 / Arterial Street Rehabilitation - Morse Road Phase 1 - Seward to Stygler (Street & Highway Imp Carryover) / \$0.00 / \$4,165,784.00 / \$4,165,784.00 (to match cash)

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, 2020, the sum of \$ 2,477,770.14 is appropriated in Fund 7765 (Federal Transportation Grants Fund), Dept-Div 5912 (Design and Construction), Project G591902 (Morse Road Phase 1 Seward to Stygler 106390), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 3. 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, 2020, the sum of \$ 4,165,783.81 is appropriated in Fund 7766 (Street & Highway Improvements Non-Bond Fund), Dept-Div 5912 (Design and Construction), Project P530103-100064 (Arterial Street Rehabilitation - Morse Road Phase 1 - Seward to Stygler), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 4. That the Director of Public Service be and is hereby authorized to enter into a construction services

contract with Shelly & Sands, 1515 Harmon Avenue, Columbus, Ohio, 43223, for the Arterial Street Rehabilitation - Morse Road Phase 1 - Seward to Stygler project in the amount of up to \$6,013,561.76 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 \$629,992.19.

SECTION 5. That the expenditure of \$2,477,770.14, or so much thereof as may be needed, is hereby authorized in Fund 7765 (Federal Transportation Grants Fund), Dept-Div 5912 (Design and Construction), Project G591902 (Morse Road Phase 1 Seward to Stygler 106390), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 6. That the expenditure of \$4,165,783.81, or so much thereof as may be needed, is hereby authorized in Fund 7766 (Street & Highway Improvements Non-Bond Fund), Dept-Div 5912 (Design and Construction) Project P530103-100064 (Arterial Street Rehabilitation - Morse Road Phase 1 - Seward to Stygler), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 7. 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 8. 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 9. 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 10. At the end of the grant period, any repayment of unencumbered balances required by the grantor is hereby authorized and any unused City match monies may be transferred back to the City fund from which they originated in accordance with all applicable grant agreements.

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.