



## Legislation Details (With Text)

**File #:** 1527-2019      **Version:** 1

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

**File created:** 5/30/2019      **In control:** Public Service & Transportation Committee

**On agenda:** 6/24/2019      **Final action:** 6/27/2019

**Title:** To amend the 2019 Capital Improvement 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 within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into contract with Shelly & Sands, Inc., for Resurfacing - 2019 Project 2; to authorize the expenditure of up to \$11,508,177.72 from the Streets and Highways Bond Fund for Resurfacing - 2019 Project 2; and to declare an emergency. (\$11,508,177.72)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
6/27/2019	1	CITY CLERK	Attest	
6/26/2019	1	ACTING MAYOR	Signed	
6/24/2019	1	COUNCIL PRESIDENT	Signed	
6/24/2019	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

This ordinance authorizes the Director of Public Service to enter into contract with Shelly & Sands, Inc., for Resurfacing - 2019 Project 2 and to provide payment for construction, construction administration and inspection services.

This contract repairs and resurfaces 32 city streets and constructs 183 ADA curb ramps along those streets. Work consists of milling the existing pavement, overlaying with new asphalt concrete, minor curb replacement, replacing curb and sidewalk associated with installing ADA wheelchair ramps, and full depth pavement repair where warranted as noted in the plans.

The estimated Notice to Proceed date is July 15, 2019. The project was let by the Office of Support Services through Vendor Services and Bid Express. Four bids were received on May 14, 2019, and tabulated as follows:

<u>Company Name</u>	<u>Bid Amount</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Shelly & Sands	\$10,558,010.03	Columbus, OH	Majority
Kokosing Construction	\$12,384,317.77	Columbus, OH	Majority
Decker Construction	\$12,841,589.18	Columbus, OH	Majority
Strawser Paving	\$12,911,187.86	Columbus, OH	Majority

Award is to be made to Shelly & Sands, Inc., as the lowest responsive and responsible and best bidder for their bid of \$10,558,010.03. The amount of the contract will be \$10,557,961.21 due to the correction of bid quantities for one item. The amount of construction administration and inspection services will be \$950,216.51. The total legislated amount is \$11,508,177.72.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings

against Shelly & Sands, Inc.

## 2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Shelly & Sands, Inc., is CC006043 and expires 03/01/20.

## 3. PRE-QUALIFICATION STATUS

Shelly & Sands, 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

The primary work to be accomplished for this project is Resurfacing work. Funding for this project is budgeted within the Streets and Highways Bond Fund, Fund 7704. Some Roadway Improvement and Bikeway Development work are included in the work for this project in addition to the Resurfacing work. Budget authority for the Roadway Improvements work (P530161-100179) in the amount of \$139,726.68 and the Bikeway Development work (P540002-100000) in the amount of \$4,105.89 exists within the 2019 Capital Improvements Budget and the required cash is available. Cash and budget authority will be transferred to Resurfacing - 2019 Project 2 (P530282-922019) to establish sufficient funding for the contract.

The remainder of the funding for this project will come from Resurfacing. Budget authority for the Resurfacing work (P530282-100051) in the amount of \$11,364,345.14 exists within the 2019 Capital Improvements Budget. The funds will not be available to Public Service until the proceeds of the 2019 bond sale are available later this calendar year. Therefore, it is necessary to certify the requisite funds in the amount of \$11,364,345.14 against the Special Income Tax Fund. An amendment to the 2019 Capital Improvement Budget is required to establish sufficient budget authority for this project.

## 5. EMERGENCY DESIGNATION

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

To amend the 2019 Capital Improvement 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 within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into contract with Shelly & Sands, Inc., for Resurfacing - 2019 Project 2; to authorize the expenditure of up to \$11,508,177.72 from the Streets and Highways Bond Fund for Resurfacing - 2019 Project 2; and to declare an emergency. (\$11,508,177.72)

**WHEREAS**, the Department of Public Service is engaged in Resurfacing - 2019 Project 2; and

**WHEREAS**, the contract includes repairing and resurfacing 32 city streets and constructing 183 ADA curb ramps along those streets with the work consisting of milling the existing pavement, overlaying with new asphalt concrete, minor curb replacement, replacing curb and sidewalk associated with installing ADA wheelchair ramps, and full depth pavement repair where warranted as noted in the plans; 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, Inc., will be awarded the contract for Resurfacing - 2019 Project 2; and

**WHEREAS**, the Department of Public Service requires funding to be available for Resurfacing - 2019 Project 2 for construction expense along with construction administration and inspection services; and

**WHEREAS**, it is necessary to amend the 2019 Capital Improvement Budget to establish authority within the correct project; and

**WHEREAS**, it is necessary for Council 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**, it is necessary to transfer funds from the Special Income Tax Fund to fund this project; 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 \$11,364,345.14; 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 enter into contract with Shelly & Sands, Inc., to ensure the safety of the travelling 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 2019 Capital Improvements Budget authorized by ordinance 1326-2019 be amended as follows to establish sufficient authority for this project:

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

7704 / P530161-100179 / Roadway Improvements - Yearly Traffic Calming (Voted Carryover) / \$206,749.00 / (\$139,727.00) / \$67,022.00

7704 / P540002-100000 / Bikeway Development (Voted Carryover) / \$262,131.00 / (\$4,106.00) / \$258,025.000

7704 / P530282-100051 / Resurfacing - Resurfacing Projects (Voted 2016 Debt SIT Supported) / \$10,501,508.00 / (\$10,501,508.00) / \$0.00

7704 / P530282-100051 / Resurfacing - Resurfacing Projects (Voted 2019 SIT Supported) / \$4,531,492.00 / (\$862,838.00) / \$3,668,654.00

7704 / P530282-922019 / Resurfacing - 2019 Project 2 (Voted Carryover) / \$0.00 / \$143,833.00 / \$143,833.00

7704 / P530282-922019 / Resurfacing - 2019 Project 2 (Voted 2016 Debt SIT Supported) / \$0.00 / \$10,501,508.00 / \$10,501,508.00

7704 / P530282-922019 / Resurfacing - 2019 Project 2 (Voted 2019 SIT Supported) / \$0.00 / \$862,838.00 / \$862,838.00

**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, 2018, the sum of \$11,364,345.14 is appropriated in Fund 4430 (Special Income Tax), Dept-Div 2201 (City Auditor) in Object Class 10 (Transfer Out Operating) and in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5911 (Division of Infrastructure Management), Project P530282-922019 (Resurfacing - 2019 Project 2), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 3.** That the transfer of \$11,364,345.14, 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 5911 (Division of Infrastructure Management) per the account codes in the attachment to this ordinance.

**SECTION 4.** That the transfer of \$139,726.68, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5913 (Division of Traffic Management), Project P530161-100179 (Roadway Improvements - Yearly Traffic Calming), Object Class 06 (Capital Outlay) to Dept-Div 5911 (Division of Infrastructure Management), Project P530282-922019 (Resurfacing - 2019 Project 2), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 5.** That the transfer of \$4,105.89, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5911 (Division of Infrastructure Management), Project P540002-100000 (Bikeway Development), Object Class 06 (Capital Outlay) to Dept-Div 5911 (Division of Infrastructure Management), Project P530282-922019 (Resurfacing - 2019 Project 2), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 6.** That the Director of Public Service be and is hereby authorized to enter into a construction services contract with Shelly & Sands, Inc., 1515 Harmon Avenue, Columbus, Ohio 43223, for Resurfacing - 2019 Project 2 in the amount of up to \$10,557,961.21 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 \$950,216.51.

**SECTION 7.** That the expenditure of \$11,508,177.72, or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5911 (Division of Infrastructure Management), Project P530282-922019 (Resurfacing - 2019 Project 2), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 8.** That the monies appropriated in the foregoing Section 2 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 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 3.

**SECTION 10.** 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 \$11,364,345.14 (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 11.** 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 12.** 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 13.** 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 14.** 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.