



## Legislation Details (With Text)

**File #:** 0720-2024      **Version:** 1

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

**File created:** 3/5/2024      **In control:** Public Service & Transportation Committee

**On agenda:** 3/18/2024      **Final action:** 3/21/2024

**Title:** To authorize the Interim Director of the Department of Public Service to enter into agreements with and to accept contributions from Harmony Development Group, LLC and Pulte Homes of Ohio, LLC; to, as necessary, authorize the acceptance of additional funds from developers or to return any unused contributions to the same; to amend the 2023 Capital Improvement Budget; to authorize the transfer of funds within the Streets and Highways Bond Fund; to authorize the Interim Director of Public Service to enter into a professional services contract with Kimley-Horn and Associates, Inc. for the Intersection - Hilliard Rome Road at Renner Road project; to authorize the expenditure of up to \$500,000.00 from the Streets and Highways Bond Fund to pay for this contract; and to declare an emergency. (\$500,000.00)

**Sponsors:**

**Indexes:** MBE Participation, WBE Participation

**Code sections:**

**Attachments:** 1. Ord. 0720-2024 Accounting Template

Date	Ver.	Action By	Action	Result
3/21/2024	1	CITY CLERK	Attest	
3/20/2024	1	MAYOR	Signed	
3/18/2024	1	COUNCIL PRESIDENT	Signed	
3/18/2024	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

This ordinance authorizes the Interim Director of Public Service to enter into a professional services contract with Kimley-Horn and Associates, Inc. in the amount of up to \$500,000.00 for the Intersection - Hilliard Rome Road at Renner Road project.

Additionally, this ordinance authorizes the Interim Director of Public Service to enter into contribution agreements, any amendments or modifications thereto with and to accept and expend funds from Harmony Development Group, LLC and Pulte Homes of Ohio, LLC to advance the project; and to, as necessary, authorize the acceptance of additional funding from Harmony Development Group, LLC and Pulte Homes of Ohio, LLC or the return of any unexpended design funding to the same after final accounting has been performed or the Department of Public Service certifies that any remaining funds are no longer needed for the project and can be refunded without the need for additional legislative action.

The intent of this project is to provide the City of Columbus, Division of Design and Construction, additional resources to improve the intersection of Hilliard-Rome Road and Renner Road, which has historically been ranked on MORPC's high crash intersections list. The project limits include improvements to Renner Road both west and east of Hilliard-Rome Road from Tanglewood Park Boulevard to Rentra Drive and improvements to Hilliard-Rome Road from the I-70 westbound ramp intersections to Westchester Woods Boulevard. Improvements include intersection capacity and mobility, pedestrian and bikeway facility additions, access management, lighting additions, and updated infrastructure.

Future modifications of the contract are expected using funds contributed by Harmony Development Group, LLC and Pulte Homes of Ohio, LLC.

Ord. 2394-2023 authorized the Director of Public Service to submit ODOT Highway Safety Improvement Program project applications and to execute project agreements for awarded projects for the Department of Public Service for the Intersection - Hilliard Rome Road at Renner Road project.

The Department of Public Service, Office of Support Services, solicited Requests for Proposals for the Intersection - Hilliard Rome Road at Renner Road contract. The project was formally advertised on the Vendor Services and Bonfire web sites from January 17, 2024, to February 14, 2024. The City received two (2) responses. Both proposals were deemed responsive and were fully evaluated when the Evaluation Committee met on February 21, 2024. The responding firms were:

<u>Company Name</u>	<u>City/State</u>	<u>Majority/MBE/WBE/VET/EBE/LGBTBE/SLBE</u>
Kimley-Horn and Associates, Inc.	Columbus, OH	MAJ
Dynotec, Inc.	Columbus, OH	MBE

Kimley-Horn and Associates, Inc. received the highest score by the evaluation committee and will be awarded the Intersection - Hilliard Rome Road at Renner Road contract.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Kimley-Horn and Associates, Inc.

The certification of Kimley-Horn and Associates, Inc. and all associated subcontractors was in good standing at the time the bid was awarded.

As part of their bid Kimley-Horn and Associates, Inc. has proposed the following 4 subcontractors to work on the project:

<u>Company Name</u>	<u>City/State</u>	<u>Majority/ODI Certification</u>
Burgess & Niple, Inc.	Columbus, Ohio	MAJ
2LMN, Inc.	Columbus, Ohio	MBE
Lawhon & Associates, Inc.	Columbus, Ohio	WBE
Resource International, Inc.	Columbus, Ohio	WBE

## 2. CONTRACT COMPLIANCE

Kimley-Horn and Associates, Inc.'s contract compliance number is CC024725 and expires 02/01/2025.

## 3. FISCAL IMPACT

Funding for this contract is available and appropriated within Fund 7704, the Streets and Highways Bond Fund. An amendment to the 2023 Capital Improvement Budget and a transfer of funds and appropriation is required to establish sufficient budget authority for the project.

Future modifications of the contract are anticipated with a portion of the funding to come from Harmony Development Group, LLC and Pulte Homes of Ohio, LLC after the execution of a Contribution Agreement. Separate legislation authorizing the expenditure of these funds and the City's share of funding for this project will be put forth at a later time. The funds will be deposited in Fund 7766, the Street and Highway Improvement Fund when they arrive.

## 4. MINORITY AND WOMAN OWNED BUSINESS ENTERPRISE & SMALL LOCAL BUSINESS ENTERPRISE PROGRAM

This contract was bid with a City of Columbus MBE/WBE Program goal of 20% as assigned by the City's Office of Diversity and Inclusion (ODI). Failure by the contractor to meet this goal subjects the contractor to the Penalties for Non-Compliance as described in the "City's Minority and Women-Owned Business Enterprise & Small Local Business Enterprise Program Manual" and in the "City of Columbus MBE/WBE Program Special Provision" that were part of the bid documents for this contract.

## 5. EMERGENCY DESIGNATION

Emergency action is requested in order to complete needed improvements at the earliest possible time and meet the requirements of the start date for the Ohio Department of Transportation funding award to avoid penalty and to ensure the safety of the traveling public.

To authorize the Interim Director of the Department of Public Service to enter into agreements with and to accept contributions from Harmony Development Group, LLC and Pulte Homes of Ohio, LLC; to, as necessary, authorize the acceptance of additional funds from developers or to return any unused contributions to the same; to amend the 2023 Capital Improvement Budget; to authorize the transfer of funds within the Streets and Highways Bond Fund; to authorize the Interim Director of Public Service to enter into a professional services contract with Kimley-Horn and Associates, Inc. for the Intersection - Hilliard Rome Road at Renner Road project; to authorize the expenditure of up to \$500,000.00 from the Streets and Highways Bond Fund to pay for this contract; and to declare an emergency. (\$500,000.00)

**WHEREAS**, Harmony Development Group, LLC and Pulte Homes of Ohio, LLC intends to contribute funding to subsidize the cost of professional engineering services necessary to the successful completion of the design phase of the Intersection - Hilliard Rome Road at Renner Road project; and

**WHEREAS**, the Interim Director of Public Service must execute contribution agreements, and any amendments or modifications thereto, with Harmony Development Group, LLC and Pulte Homes of Ohio, LLC to facilitate the acceptance and expenditure of funding by the Department of Public Service for the aforementioned purpose; and

**WHEREAS**, it may be necessary to accept additional funds from Harmony Development Group, LLC and Pulte Homes of Ohio, LLC if the actual design costs exceed the preliminary cost estimate; and

**WHEREAS**, it may be necessary to issue a refund to Harmony Development Group, LLC and Pulte Homes of Ohio, LLC after final accounting has been performed or after the Department of Public Service certifies that any remaining funds are no longer needed for the project and can be refunded, without the need for additional legislative action; and

**WHEREAS**, there is a need to enter into a professional services contract to provide for additional resources to improve the intersection of Hilliard-Rome Road and Renner Road, which has historically been ranked on MORPC's high crash intersections list; and

**WHEREAS**, the Department of Public Service, Office of Support Services, solicited Requests for Proposals for the Intersection - Hilliard Rome Road at Renner Road project; and

**WHEREAS**, Kimley-Horn and Associates, Inc. submitted the best overall proposal for this project; and

**WHEREAS**, it is necessary to enter into a contract with Kimley-Horn and Associates, Inc. for the provision of professional engineering consulting services described above in the amount of up to \$500,000.00; and

**WHEREAS**, it is necessary to authorize an amendment to the 2023 Capital Improvement Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; and

**WHEREAS**, it is necessary for Council to authorize a transfer of funds and appropriation within Fund 7704, the Streets and Highways Bond Fund, to establish sufficient cash to pay for the project; and

**WHEREAS**, this contract opportunity was submitted to the City's Office of Diversity and Inclusion (ODI) for review and assignment of an MBE/WBE goal prior to bidding; and

**WHEREAS**, this contract was bid with a City of Columbus MBE/WBE Program goal of 20% as assigned by the City's Office of Diversity and Inclusion (ODI); and

**WHEREAS**, failure by the contractor to meet this goal subjects the contractor to the Penalties for Non-Compliance; 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 Interim Director of Public Service to enter into contract with Kimley-Horn and Associates, Inc. in order to provide funding for the Intersection - Hilliard Rome Road at Renner Road, to ensure the safety of the traveling 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 2023 Capital Improvements Budget authorized by ordinance 1711-2023 be amended as follows to establish sufficient authority for this project:

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

7704 / P440005-100000 / UIRF - Urban Infrastructure Recovery Fund (59-12) (Voted Carryover) / \$3,034,279.00 / (\$500,000.00) / \$2,534,279.00

7704 / P538017-100000 / Intersection - Hilliard Rome Rd at Renner Rd (Voted Carryover) / \$0.00 / \$500,000.00 / \$500,000.00

**SECTION 2.** That the transfer of \$500,000.00, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5912 (Design and Construction), Project P440005-100000 (UIRF - Urban Infrastructure Recovery Fund (59-12)), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P538017-100000 (Intersection - Hilliard Rome Rd at Renner Rd), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 3.** That the Interim Director of Public Service be, and hereby is, authorized to enter into a professional services contract with Kimley-Horn and Associates, Inc. at 7965 North High Street, Suite 200, Columbus, Ohio 43235, for the Intersection - Hilliard Rome Road at Renner Road project in an amount up to \$500,000.00.

**SECTION 4.** That the expenditure of \$500,000.00, or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5912 (Design and Construction), Project P538017-100000 (Intersection - Hilliard Rome Rd at Renner Rd), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 5.** That the Interim Director of Public Service be and hereby is authorized to enter into agreements with and to accept contributions from Harmony Development Group, LLC and Pulte Homes of Ohio, LLC for the Intersection - Hilliard Rome Road and Renner Road project, and to modify those agreements if necessary to accept additional contributions from Harmony Development Group, LLC and Pulte Homes of Ohio, LLC for the design of the project.

**SECTION 6.** That the Interim Director of Public Service be and hereby is authorized, as necessary, to accept additional funds from the aforementioned entities should the amounts of their initial deposits prove insufficient to support their respective share of actual design costs or to return any unexpended project funding to the same after final accounting has been performed or the Department of Public Service certifies that any remaining funds are no longer needed for the project and can be refunded, without the need for additional legislative action.

**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.** 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.