



Legislation Text

File #: 1842-2023, Version: 1

1. BACKGROUND

This ordinance authorizes the Director of Public Service to enter into contract with Decker Construction Company for the ADA Ramp Projects - CDBG Curb Ramps 2023 program and to provide payment for construction, construction administration and inspection services and to request emergency passage.

This project consists of constructing ADA compliant curb ramps at 76 intersections. Additionally, this contract will construct new sidewalk and replace existing sidewalk in poor condition to fill gaps in the sidewalk network and complete compliant PARS 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.

The Community Development Block Grant (CDBG) Entitlement Program provides annual grants on a formula basis to entitled cities and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. Ordinance 3353-2022 established the appropriation of the CDBG Funds to specific projects within the City. A portion of these appropriations will be transferred to this project in order to fund this project.

The estimated Notice to Proceed date is July 10, 2023. The project was let by the Office of Support Services through Vendor Services and Bid Express. One bid was received on May 23, 2023, (majority) and tabulated as follows:

<u>Company Name</u>	<u>Bid Amount</u>	<u>City/State</u>	<u>Majority/ODI</u>
Decker Construction Company	\$2,020,551.15	Columbus, OH	Majority

Award is to be made to Decker Construction Company as the lowest responsive and responsible and best bidder for their bid of \$2,020,551.15. The amount of construction administration and inspection services will be \$303,082.67. The total legislated amount is \$2,323,633.82.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Decker Construction Company.

As part of their bid Decker Construction Company has proposed the following subcontractors to work on the project:

<u>Company Name</u>	<u>City/State</u>	<u>Majority/ODI Certification</u>
Danbert Electrical	Plain City, Ohio	MAJ
Paul Peterson Company	Columbus, Ohio	MAJ
Griffin Pavement Striping	Columbus, Ohio	MAJ
Mid-West Landscape, Inc.	Columbus, Ohio	MAJ
Burley Trucking, LLC	Columbus, Ohio	MBE

2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Decker Construction Company is CC004549 and expires 12/2/2023.

3. PRE-QUALIFICATION STATUS

Decker Construction Company 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

A reimbursable grant in the Community Development Act Fund, Fund 2248, provided by the U.S. Department of Housing and Urban Development (HUD), in the amount of \$2,020,551.15 will fund a portion of the construction for this project. A transfer of \$1,706,310.44 within Fund 2248 and transfer of \$314,240.71 from Fund 2249, Economic Dev Revolving Loan Fund, is necessary to align cash with the proper project. Funds will need to be appropriated.

The remaining balance in the amount of \$303,082.67, is available and appropriated within the Streets and Highways Bond Fund, Fund 7704. An amendment to the 2023 Capital Improvement Budget and a transfer of cash is necessary to align budget authority with the proper project. Funds are appropriated.

5. 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 10% as assigned by the City's Office of Diversity and Inclusion (ODI). After ODI's review of the Utilization Plan and other related information the contractor submitted with their bid response, ODI has approved an MBE/WBE Program goal of 6.08% for this contract. 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 because all CDBG funds must be spent and paid by mid-October to meet the HUD timeliness test; if the timeline test fails, the City is subject to a reduction in funding for future years; emergency passage will ensure the maximum amount of time to complete the work.

To amend the 2023 Capital Improvement budget; to appropriate funds within the Economic Dev Revolving Loan Fund and the Community Development Act Fund; to authorize the transfer of funds between the Economic Dev Revolving Loan Fund and Community Development Act 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 Decker Construction Company for the ADA Ramp Projects - CDBG Curb Ramps 2023 program; to authorize the expenditure not to exceed \$2,323,633.82 from the Streets and Highways Bonds Fund and from the Community Development Act Fund for the project; to repay any unused grant funds at the end of the grant period; and to declare an emergency. (\$2,323,633.82).

WHEREAS, the Department of Public Service is engaged in the ADA Ramp Projects -CDBG Curb Ramps 2023 program; and

WHEREAS, the program consists of constructing ADA compliant curb ramps at 76 intersections. Additionally, this contract will construct new sidewalk and replace existing sidewalk in poor condition to fill gaps in the sidewalk network and complete compliant PARS 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, Decker Construction Company will be awarded the contract for the ADA Ramp Projects -CDBG Curb Ramps 2023 in the amount of \$2,020,551.15; and

WHEREAS, the Department of Public Service requires funding to be available for the ADA Ramp Projects - CDBG Curb Ramps 2023 for construction expense along with construction administration and inspection services; and

WHEREAS, a reimbursable grant in the Community Development Act Fund, Fund 2248, provided by the U.S. Department of Housing and Urban Development (HUD), in the amount of \$2,020,551.15 will fund a portion of the construction for this project. A transfer of \$1,706,310.44 within Fund 2248 and transfer of \$314,240.71 from Fund 2249, Economic Dev Revolving Loan Fund, is necessary to align cash with the proper project; Funds will need to be appropriated; and

WHEREAS, it is necessary to amend the 2023 Capital Improvement Budget to establish authority within the correct project; and

WHEREAS, it is necessary to authorize a transfer of funds within Fund 7704, the Streets and Highways Bond Fund, and the Community Development Act Fund, Fund 2248 to establish sufficient cash to pay for the project; and

WHEREAS, it is necessary to authorize a transfer of funds between Fund 2249, Economic Dev Revolving Loan Fund and the Community Development Act Fund, Fund 2248 to establish sufficient cash to pay for the project; and

WHEREAS, funds will need to be appropriated within Fund 2249, Economic Dev Revolving Loan Fund and the Community Development Act Fund, Fund 2248; and

WHEREAS, funds will be expended from the Community Development Block Grant Fund, Fund 2248 and the Streets and Highways Bond Fund, Fund 7704, to pay for 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 Decker Construction Company because all CDBG funds must be spent and paid by mid-October to meet the HUD timeliness test; if the timeline test fails, the City is subject to a reduction in funding for future years; emergency passage will ensure the maximum amount of time to complete the work; **now, therefore**

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

SECTION 1. That the 2023 Capital Improvements Budget authorized by Ordinance No. 1711-2023 be amended as follows to establish sufficient authority for this project:

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

7704 / P530087 - 100040 / ADA Ramp Projects - 2019 General Engineering (Voted Carryover) / \$225,693.00 / (\$225,693.00) / \$0.00

7704 / P530087 - 912018 / ADA Ramp Projects - Citywide Curb Ramps 2018 Project 1 (Voted Carryover) / \$50,862.00 / (\$50,862.00) / \$0.00

7704 / P538006 - 100000 / Intersection Improvements - SR 161 at Karl Rd (Voted Carryover) / \$72,617.00 / (\$26,529.00) / \$46,088.00

7704 / P530087-100043 / ADA Ramp Projects - CDBG Curb Ramps (2023) (Voted Carryover) / \$0.00 / \$201,895.00 / \$201,895.00

7704 / P590105-100478 / Pedestrian Safety - CDBG Sidewalk Gaps (2023) (Voted Carryover) / \$0.00 / \$101,189.00 / \$101,189.00

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, 2023, the sum of \$314,240.71 is appropriated in Fund 2249 (Economic Development Revolving Loan Fund) Dept-Div 4501, Object Class 10 (Transfer Out) per the account codes in the attachment to this ordinance.

SECTION 3. That the transfer of \$23,797.88, 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 P530087 - 100040 (ADA Ramp Projects - 2019 General Engineering), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P590105-100478 (Pedestrian Safety - CDBG Sidewalk Gaps (2023)), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 4. That the transfer of \$50,861.58, 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 P530087 - 912018 (ADA Ramp Projects - Citywide Curb Ramps 2018 Project 1), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P590105-100478 (Pedestrian Safety - CDBG Sidewalk Gaps (2023)), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 5. That the transfer of \$26,528.90, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5913 (Traffic Management), Project P538006 - 100000 (Intersection Improvements - SR 161 at Karl Rd), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P590105-100478 (Pedestrian Safety - CDBG Sidewalk Gaps (2023)), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 6. That the transfer of \$314,240.71 is hereby authorized from Fund 2249 (Economic Development Revolving Loan Fund) Dept-Div 4501, Object Class 10 (Transfer Out) to Fund 2248 (Community Development Block Grant Fund) Dept-Div 5912 (Design and Construction), Object Class 80 (Transfer In Operating), per the accounting codes attached.

SECTION 7. 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, 2023, the sum of \$2,020,551.15 is appropriated in Fund 2248 (Community Development Act Fund), Dept-Div 5912 (Design and Construction) in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 8. That the Director of Public Service be and is hereby authorized to enter into a construction services contract with Decker Construction Company located at 3042 McKinley Avenue, Columbus, Ohio 43204, for ADA Ramp Projects - CDBG Curb Ramps 2023 project in the amount of up to \$2,020,551.15 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 \$303,082.67.

SECTION 9. That the expenditure of \$2,020,551.15, or so much thereof as may be needed, is hereby authorized in Fund 2248 (Community Development Act Fund), Dept-Div 5912 (Design and Construction), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 10. That the expenditure of \$201,894.31, 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), P530087-100043 (ADA Ramp Projects - CDBG Curb Ramps 2023), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 11. That the expenditure of \$101,188.36, 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), P590105-100478 (Pedestrian Safety - CDBG Sidewalk Gaps (2023)), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 12. 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 13. 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 14. 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 15. 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 16. 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.