



Legislation Text

File #: 0684-2013, Version: 1

1. BACKGROUND

The Division of Planning and Operations is engaged in the Alley Rehabilitation - Miscellaneous project for the rehabilitation of City Alleys. As part of this project, Division of Planning and Operations Crews will perform work such as clearing, surface grading and leveling, drainage improvements and selective repaving.

The rehabilitation of these alleys requires several commodities. These commodities include asphalt emulsion, asphalt concrete, and limestone and gravel aggregates. The Purchasing Office has solicited formal competitive bids for the purchase of these commodities and have established universal term contracts (UTC). Some commodity contracts are in the process of being established, but it is necessary to secure funding for these commodities as soon as possible to start the alley rehabilitation project on time.

This legislation authorizes the expenditure of \$383,200.00 for the purchase of Asphalt Emulsion per the terms and conditions of the established UTC (SA004724/FL005448), Asphalt Concrete per terms and conditions of an established UTC (SA004716/FL005454), and Limestone and Gravel Aggregates per the terms and conditions of an established UTC (SA004747/FL005553).

2. CONTRACT COMPLIANCE:

Phillips Oil Co. of Central Ohio Inc. contract compliance number is 208200717 and expires 11/08/13

Shelly Materials, Inc. contract compliance number is 311574851 and expires 12/14/2013.

Kokosing Materials contract compliance number is 310980603 and expires 11/18/2013.

3. FISCAL IMPACT

Funds for this alley work are budgeted within the 2013 Capital Improvement Budget. Bonds have not yet to be sold for this project; therefore it is necessary to certify funds needed in the amount of \$383,200.00 against the Special Income Tax Fund. Upon sale of the bonds, this will be reimbursed.

4. EMERGENCY DESIGNATION

Emergency legislation is requested to have funding available for this project so materials purchases can be made at the earliest possible time to maintain project schedule.

To authorize and direct the City Auditor to appropriate and transfer \$383,200.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Finance and Management to establish purchase orders for the purchase of Asphalt Emulsion, Asphalt Concrete and Limestone and Gravel Aggregates per the terms of conditions of current UTCs to be used for the Alley Rehabilitation - Miscellaneous Project for the Division of Planning and Operations; to authorize the expenditure of \$383,200.00 from the Streets and Highways G.O. Bonds Fund for purchase of these materials, and to declare an emergency. (\$383,200.00)

WHEREAS, the Division of Planning and Operations is engaged in a project to rehabilitate City Alleys; and

WHEREAS, it is necessary to purchase Asphalt Emulsion, Asphalt Concrete, and Limestone and Gravel Aggregates to be used for this project; 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 the majority of 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 \$383,200.00; 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, this ordinance authorizes the Director of Finance and Management to establish purchase orders per the terms and conditions of existing or soon to be existing UTCs for asphalt emulsion, limestone and gravel aggregates, and asphalt concrete; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Division of Planning and Operations, in that it is immediately necessary to establish funding for the purchase of these materials to make them available for this project this construction season, 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. The sum of \$383,200.00 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 Streets and Highways G.O. Bonds Fund, Fund 704 as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 530104-100004 / Alley Rehabilitation - Miscellaneous / 06-6600 / 740404 / \$383,200.00

SECTION 3. That the Director of Finance and Management be and hereby is authorized to establish purchase orders totaling \$520,000.00 per the terms and conditions of existing or soon to be existing UTCs for Asphalt Emulsion, Asphalt concrete, and Limestone for the Alley Rehabilitation Project for the Division of Planning and Operations.

1. Asphalt Emulsions

\$200,200.00

Phillips Oil Company of Central Ohio Inc.
1877 McKinley Ave.
Columbus, OH 43222
FL005448 (SA004724)

2. Various Asphalt Concretes

\$57,000.00

Kokosing Materials
P.O. Box 334
Fredricktown, OH 43019
FL005454 (SA004716)

Shelly Materials, Inc.
1771 Harmon Avenue
Columbus, OH 43223
FL005453 (SA004716)

3. Limestone and Gravel Aggregates

\$126,000.00

Shelly Materials, Inc.
1771 Harmon Avenue
Columbus, OH 43223
FL005553 (SA004747)

Total UTC Expenditure: \$383,200.00

SECTION 4. 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 5. 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 2.

SECTION 6. 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 \$383,200.00 (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 7. That the expenditure of \$383,200.00 be and hereby is authorized as follows from the Streets and Highways G.O. Bonds Fund, Fund 704, Dept.-Div. 59-11, Division of Planning and Operations, to pay the cost thereof.

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

704 / 530104-100004 / Alley Rehabilitation - Miscellaneous / 06-6621 / 740404 / \$383,200.00

SECTION 8. 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 9. 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 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.