



Legislation Text

File #: 0553-2011, 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.

In order to rehabilitate these alleys the Division 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 in the process of establishing universal term contracts (UTC).

This legislation authorizes the purchase of asphalt emulsion per the terms and conditions of an established UTC (FL004621) and the purchase of asphalt concrete and limestone and gravel aggregates per the terms and conditions of pending UTCs. It is anticipated the various asphalt concretes and gravel and limestone aggregates UTCs should be available by May 1, 2011.

2. CONTRACT COMPLIANCE:

The asphalt emulsion vendor is Asphalt Materials Inc. Their contract compliance number is 351002095 and expires 4/15/12.

The limestone and gravel aggregates vendor is Shelly Materials, Inc. contract compliance number is 31574851 and expires 1/29/2012

The asphalt concrete vendor is Shelly Materials. Their contract compliance number is 31574851 and expires 1/29/2012

3. FISCAL IMPACT

Funds for this alley work are budgeted within the 2011 Capital Improvement Budget. This expense can be accommodated by appropriating and transferring funds needed in the amount of \$901,285.00 from the Special Income Tax Fund. This funding method is a temporary measure and this amount will be restored to the Special Income Tax Fund subsequent to the next note/bond sale.

4. EMERGENCY DESIGNATION

Emergency legislation is requested to have funding available for this project concurrently with the beginning of work.

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 and conditions of current and pending UTCs to be used for the Alley Rehabilitation - Miscellaneous Project for the Division of Planning and Operations; to authorize and direct the City Auditor to transfer \$901,285.00 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund and appropriate and expend said funds within the Streets and Highways G.O. Bonds Fund for the purchase of these materials; and to declare an emergency. (\$901,285.00)

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; and

WHEREAS, this ordinance authorizes the Director of Finance and Management to establish purchase orders per the terms and conditions of an existing UTC for asphalt emulsion and a pending UTC for various asphalt concretes and gravel and limestone aggregates; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to provide necessary funding for this reimbursement; and

WHEREAS, the City will sell notes or bonds to fund this reimbursement and will reimburse the Special Income Tax Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the aggregate principal amount which the city will issue to finance this project is presently expected not to exceed \$901,285.00; 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").

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 the earliest time in 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. That the Director of Finance and Management be and hereby is authorized to establish purchase orders totaling \$901,285.00 per the terms and conditions of a current UTC for Asphalt Emulsion and pending UTCs for various asphalt concretes and gravel and limestone aggregates for the Alley Rehabilitation - Miscellaneous project for the Division of Planning and Operations.

1. Asphalt Emulsion

\$553,135.00

Asphalt Materials
940 North Wynn Road
Oregon, OH 43616
FL004621 (SA003525)

2. UTC Pending for Various Asphalt Concretes

Ordinance 0369-2011

\$70,400.00

Shelly Materials
1771 Harmon Avenue
Columbus, OH 43223

3. UTC Pending for Gravel and Limestone Aggregates

Ordinance 0424-2011

\$277,750.00

Shelly Materials, Inc.
1771 Harmon Avenue
Columbus, OH 43223

Total Expenditure: \$901,285.00

SECTION 2. The sum of \$901,285.00 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, 2011 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

SECTION 3. That the City Auditor is hereby authorized to transfer said funds to the Streets and Highways G.O. Bonds Fund, No. 704, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

SECTION 4. That \$901,285.00 is hereby appropriated within Fund 704, the Streets and Highways G.O. Bonds Fund, Dept-Div. 59-11, Division of Planning and Operations as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 530104-100004 / Alley Rehabilitation - Miscellaneous / 06-6621 / 740404 / \$901,285.00

SECTION 5. That the monies appropriated in the foregoing Section 4 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 6. That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 3 above.

SECTION 7. 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 \$901,285.00 (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 8. All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

SECTION 9. That the expenditure of \$901,285.00 be and hereby is authorized from the Streets and Highways G.O. Bonds Fund, Fund 704, Dept.-Div. 59-11, Division of Planning and Operations, O.L. 01-03 Codes 06-6621, OCA Code 740404, Project 530104-100004, Alley Rehabilitation - Miscellaneous, to pay the cost thereof.

SECTION 10. 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 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.