



Legislation Text

File #: 1538-2013, **Version:** 1

BACKGROUND: This legislation authorizes the Finance and Management Director to enter into a contract on behalf of the Office of Construction with Thomas and Marker Construction Company for the construction of the Police Crime Lab, 770 East Woodrow Avenue. The Woodrow Avenue building was purchased several years ago and is now home to the recently renovated Columbus Police Property Recovery Room utilizing seventy percent of the building space. The Police Crime Laboratory has outgrown its current leased space on the campus of The Ohio State University and its relocation will occupy allocated space in Woodrow Avenue building. Combining both Police functions together in the same facility will save time, space and create efficiencies with evidence handling. This renovation is based on a ten year growth plan and will incorporate Police functions such as a DNA lab, a dark room, an alcohol toxicology lab, Evidence Control, Firearms/Toolmarks testing, Latent Prints, Controlled Substances, Forensic Biology and Digital Forensic laboratories, and a drug analysis lab. The new facility will permit expanded areas for the aforementioned technologies and increase capabilities for firearms identification, increase evidence preservation, and allow the hiring of additional forensic scientists to test evidence.

Formal bids were solicited and the City received nine bids on May 23, 2013 as follows (0 FBE, *1 MBE):

Thomas and Marker Construction Company	\$11,197,035.00
*Smoot Construction Company of Ohio	\$11,359,000.00
Gutknecht Construction Company	\$11,436,500.00
Monarch Construction Company	\$11,511,500.00
Quandel Construction Group, Inc.	\$11,576,364.00
Barton-Marlow Company	\$11,614,000.00
Daimler Group, Inc.	\$11,662,557.00
Elford Inc.	\$11,729,754.00
Dunlop and Johnston, Inc.	\$11,998,334.00

The Office of Construction Management recommends the bid award be made to the most responsive and responsible bidder, Thomas and Marker Construction Company.

Emergency action is requested so that needed renovations may be accomplished as quickly as possible to meet the operational needs of the Division of Police.

Thomas and Marker Construction Co. Contract Compliance No. 34-4476858, expiration date 2/23/14.

Fiscal Impact: This project is funded in the 2013 Capital Improvement Budget. Bonds have yet to be sold for this project; therefore it is necessary to certify funds needed in the amount of \$11,197,035.00 against the Special Income Tax Fund. Upon the sale of the bonds, the bonds will be reimbursed.

To authorize and direct the City Auditor to appropriate and transfer \$11,197,035.00 from the Special Income Tax Fund to the Safety Voted Bond Fund; to authorize the City Auditor to appropriate \$11,197,035.00 within the Safety Voted Bond Fund; to authorize the Finance and Management Director to enter into a contract on behalf of the Office of Construction Management with Thomas and Marker Construction Company for the renovation of the Police Crime Lab, to authorize

the expenditure of \$11,197,035.00 from the Safety Voted Bond Fund; and to declare an emergency. (\$11,197,035.00)

WHEREAS, the Finance and Management Department, Office of Construction Management needs to enter into a contract for the renovation of the Police Crime Lab; and

WHEREAS, Thomas and Marker Construction Company is the most responsive and responsible bidder; 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 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 \$11,197,035.00; 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, an emergency exists in the usual daily operation of the Department of Finance and Management, Office of Construction Management, in that it is immediately necessary to authorize the Finance and Management Director to enter into a contract with Thomas and Marker Construction Company for the renovation of the Police Crime Lab, so that needed renovations may be accomplished as quickly as possible to meet the operational needs of the Division of Police, to provide necessary services to City residents, thereby protecting the public health, property, peace, safety, and welfare; now, therefore:

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

SECTION 1. The sum of \$11,197,035.00 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 Safety Voted Bond Fund, Fund 701 as follows:

Fund / Project Number / Project Name / O.L. 01-03 Codes / OCA / Amount
701/330033-100000/Police Property Rm/Crime Lab/06-6620/701033/\$11,197,035.00

SECTION 3. That the Director of Finance and Management is hereby authorized to enter into a contract on behalf of the Office of Construction Management with Thomas and Marker Construction Company for the renovation of the Police Crime Lab, 770 East Woodrow Avenue.

SECTION 4. That the monies appropriated in the foregoing Section 2 shall be paid upon order of the Director of Finance and Management 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 Finance and Management, 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 Auditor is authorized to make any accounting changes to revise the funding source for any contract(s) or contract modification(s) associated with the expenditure of the funds transferred under Section 2 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 \$11,197,035.00 (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. That for the purpose of paying the cost of this contract, the sum of \$11,197,035.00 or so much thereof as may be needed, is hereby authorized to be expended from the Safety Voted Bond Fund as follows:

Fund / Project Number / Project Name / O.L. 01-03 Codes / OCA / Amount
701/330033-100000/Police Property Rm/Crime Lab/06-6620/701033/\$11,197,035.00

SECTION 9. 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 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 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 12. 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.