



## Legislation Text

**File #:** 1646-2013, **Version:** 1

### 1. BACKGROUND:

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the Roadway Improvements - Tech Center South Techneglas project and to provide payment for construction administration and inspection services.

The Roadway Improvements - Tech Center South Techneglas project consists of construction of new two-lane roadways: (1) from Frebis Avenue to Jenkins Avenue, and (2) from Jenkins Avenue to Markison Avenue. Roadway (1) will be named Gilbert Street, and (2) S. Ohio Avenue.

The estimated Notice to Proceed date is August 7, 2013. The project was let by the Office of Support Services through Vendor Services and Bid Express. Five bids were received on June 18, 2013, (Five majority) and tabulated as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Thompson Excavation, Ltd.	\$1,237,022.47	Carroll, OH	Majority
Trucco Construction Co., Inc.	\$1,341,784.13	Columbus, OH	Majority
George J. Igel & Co., Inc.	\$1,480,475.85	Columbus, OH	Majority
Complete General Construction Co.	\$1,490,883.45	Columbus, OH	Majority
McDaniel's Construction Corp., Inc.	\$2,182,154.31	Columbus, OH	Majority

Award is to be made to Thompson Excavation, Ltd. as the lowest, responsive, responsible and best bidder. The contract amount will be \$1,237,022.47. The amount for construction administration and inspection services will be \$123,702.25. The total legislated amount is \$1,360,724.72.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Thompson Excavation, Ltd.

### 2. CONTRACT COMPLIANCE

The contract compliance number for Thompson Excavation, Ltd. is 522451675 and expires 5/9/15.

### 3. FISCAL IMPACT

This project is funded in the 2013 Capital Improvements Budget. Bonds have not yet to be sold for this project; therefore it is necessary to certify funds needed in the amount of \$741,820.89 against the Special Income Tax Fund. Upon sale of the bonds, this will be reimbursed. The balance of \$618,903.83 will come from existing cash within that project fund.

### 4. EMERGENCY DESIGNATION

Emergency action is requested in order to allow this project to begin at the earliest possible time this construction season and to allow the improvements to be available to the public for the highest provision of vehicular and pedestrian safety.

To authorize and direct the City Auditor to appropriate and transfer \$741,820.89 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Public Service to enter into contract with Thompson Excavation, Ltd., and to provide for the payment of construction administration and inspection services in connection with the Roadway Improvements - Tech Center South Techneglas project; to authorize the expenditure of up to

\$1,360,724.72 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$1,360,724.72)

**WHEREAS**, the City of Columbus, Department of Public Service is engaged in the Roadway Improvements - Tech Center South Techneglas project; and

**WHEREAS**, this project consists of the construction of new two-lane roadways (1) from Frebis Avenue to Jenkins Avenue and (2) from Jenkins Avenue to Markison Avenue; and

**WHEREAS**, Thompson Excavation, Ltd. will be awarded the contract for the Roadway Improvements - Tech Center South Techneglas project; and

**WHEREAS**, it is necessary to provide for construction administration and inspection services; 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 \$741,820.89; 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 Public Service in order to maintain the project schedule and provide the improvements planned in this project to provide the highest level of vehicular and pedestrian safety possible 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 \$741,820.89 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 / 530161-100073 / Roadway Improvements - Tech Center South. / 06-6600 / 530073 / \$741,820.89

**SECTION 3.** That the Director of Public Service be and is hereby authorized to enter into contract with Thompson Excavation, Ltd., 6182 Carroll Road, Carroll, Ohio 43112, for the construction of the Roadway Improvements - Tech Center South Techneglas project in the amount of \$1,237,022.47 or so much thereof as may be needed in accordance with the specifications and plans on file in the Office of Support Services, which are hereby approved; and to obtain and pay for the necessary inspection costs associated with the project up to a maximum of \$123,702.25.

**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 \$741,820.89 (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 for the purpose of paying the cost of the contract and inspection, the sum of \$1,360,724.72 or so much thereof as may be needed, is hereby authorized to be expended from the Streets and Highways G.O. Bond Funds, No. 704, for the Division of Design and Construction, Dept.-Div. 59-12, as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount  
704 / 530161-100073 / Roadway Improvements - Tech Center South. / 06-6631 / 530073 / \$1,237,022.47

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount  
704 / 530161-100073 / Roadway Improvements - Tech Center South. / 06-6687 / 530073 / \$123,702.25

**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.