



## Legislation Text

File #: 2561-2021, Version: 1

### 1. BACKGROUND

This ordinance authorizes the Director of Public Service to enter into contract with Dugan & Meyers, LLC for the Misc Econ Dev - Confluence Village Garage project and to provide payment for construction, construction administration and inspection services.

This project consists of construction of a new parking garage in the Astor Park area, located off Columbus Crew Way, opposite the new Lower.com Field. The parking garage will include 677 spaces and will serve residents, workers, and visitors to the Astor Park area. There will be two entrances with a total of 5 lanes for entry and exit, located at the northeast and southwest corners. The garage will be 5 stories with 3 parking bays and center bay ramping. The garage will include openings for direct connection to the adjacent residential buildings, constructed under a separate contract. Garage utilities will include underground stormwater detention, electrical for lighting and electric vehicle charging, and a sanitary service. Fire protection will include a remote Fire Department Connection, located along the north side of the proposed Cahill Drive. Construction will include concrete crash walls, perforated metal exterior, tension mesh exterior, and glass vertical circulator with dual elevators in the southeast corner, 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 estimated Notice to Proceed date is October 25, 2021. The project was let by the Office of Support Services through Vendor Services and Bid Express. Four bids were received on September 9, 2021, (all majority) and tabulated as follows:

<u>Company Name</u>	<u>Bid Amount</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Dugan & Meyers LLC	\$20,977,000.00	Cincinnati, OH	MAJ
cps construction group, inc	\$21,878,800.00	Cranberry Township, PA	MAJ
Elford, Inc.	\$21,945,000.00	Columbus, OH	MAJ
Corna Kokosing Construction Company	\$22,144,646.00	Westerville, OH	MAJ

Award is to be made to Dugan & Meyers LLC as the lowest responsive and responsible and best bidder for their bid of \$20,977,000.00. The amount of construction administration and inspection services will be \$839,080.00. The total legislated amount is \$21,816,080.00.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Dugan & Meyers LLC.

### 2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Dugan & Meyers, LLC is CC039457 and expires 08/25/23.

### 3. PRE-QUALIFICATION STATUS

Dugan & Meyers, LLC 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

The funds will not be available to Public Service until notes are sold at a future date. It is necessary to certify funds in the amount of \$19,996,180.00 against the Special Income Tax Fund, Fund 4430. Funds will need to be appropriated within the Special Income Tax fund and then transferred to the Parking Garages Fund, Fund 6400 where they will also need to be appropriated.

A grant from the OhioEPA, from the General Government Grants Fund, Fund 2220, Grant G592115 (Astor Park Garage Chargers) in the amount of \$22,500.00 will partially fund construction for this project. These funds will need to be appropriated.

The remaining funding is being contributed by the Department of Development in the amount of \$1,297,400.00 from the Streets and Highways Bond Fund, Fund 7704, and \$500,000.00 from the Development Taxable Bond Fund, Fund 7739. An amendment to the 2020 Capital Improvement Budget and a transfer of cash and appropriation is necessary to align spending with the proper project.

## **5. EMERGENCY DESIGNATION**

Emergency action is requested in order to complete needed improvements at the earliest possible time to prevent delays in the development of the area.

To amend the 2020 Capital Improvement budget; to authorize the transfer of funds and appropriation within the Streets and Highways Bond Fund and the Development Taxable Bond Fund; to authorize and direct the City Auditor to appropriate and transfer funds from the Special Income Tax Fund to the Parking Garages Fund; to appropriate funds within the Parking Garage Fund and the General Government Grants Fund; to authorize the Director of Public Service to enter into contract with Dugan & Meyers, LLC for the Misc Econ Dev - Confluence Village Garage project; to authorize the expenditure of up to \$21,816,080.00 from the Streets and Highways Bond Fund, the Development Taxable Bond Fund, General Government Grants Fund and the Parking Garages Fund for the Misc Econ Dev - Confluence Village Garage Project; to repay any unused grant funds at the end of the grant period; and to declare an emergency. (\$21,816,080.00)

**WHEREAS**, the Department of Public Service is engaged in the Misc Econ Dev - Confluence Village Garage project; and

**WHEREAS**, the work for this project consists of a new parking garage in the Astor Park area, located off Columbus Crew Way, opposite the new Lower.com Field; 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**, Dugan & Meyers, LLC will be awarded the contract for the Misc Econ Dev - Confluence Village Garage project; and

**WHEREAS**, the Department of Public Service requires funding to be available for the Misc Econ Dev - Confluence Village Garage project for construction expense along with construction administration and inspection services; and

**WHEREAS**, the General Government Grants funds will be used to pay for a portion of this project; and

**WHEREAS**, it is necessary to amend the 2020 Capital Improvement Budget to establish authority within the correct project; and

**WHEREAS**, it is necessary for Council to authorize a transfer cash and appropriation between projects within Fund 7704, the Streets and Highways Bond Fund, and Fund 7739, and the Development Taxable Bond Fund to establish sufficient cash to pay for the project; and

**WHEREAS**, funds must be appropriated within Fund 4430, the Special Income Tax Fund, Fund 6400, Parking Garages Fund, and Fund 2220, the General Government Grants Fund; and

**WHEREAS**, it is necessary to transfer funds from the Special Income Tax Fund to fund this project; and

**WHEREAS**, the City 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 \$19,996,180.00; 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**, a contract will need to be executed with Dugan & Meyers, LLC to perform the work for the Misc Econ Dev - Confluence Village Garage project; and

**WHEREAS**, it is necessary to expend funds to pay for work performed as part of the Misc Econ Dev - Confluence Village Garage contract; 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 Dugan & Meyers LLC to ensure the safety of the traveling public, 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 2020 Capital Improvements Budget authorized by ordinance 2521-2020 be amended as follows to establish sufficient authority for this project:

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

7739 / P440104-100104 / Gravity 2.0 Garage Contribution (Councilmanic SIT Supported) / \$500,000.00 / (\$500,000.00) / \$0.00

7704 / P530303-100000 / Housing Initiatives - Roadways (Voted 2019 SIT Supported) / \$500,000.00 / (\$500,000.00) / \$0.00

7704 / P530058-100005 / NCR - Public Infrastructure (Voted 2019 SIT Supported) / \$1,353,086.00 / (\$797,400.00) / \$555,686.00

7739 / P440105-100001 / Misc Econ Dev - Confluence Village Garage (Councilmanic SIT Supported) / \$0.00 / \$500,000.00 / \$500,000.00

7704 / P440105-100001 / Misc Econ Dev - Confluence Village Garage (Voted 2019 SIT Supported) / \$0.00 / \$1,297,400.00 / \$1,297,400.00

**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, 2021, the sum of \$19,996,180.00 is appropriated in Fund 4430 (Special Income Tax), Dept-Div 2201 (City Auditor), in Object Class 10 (Transfer Out) per the account codes in the attachment to this ordinance.

**SECTION 3.** That the transfer of \$19,996,180.00 or so much thereof as may be needed, is hereby authorized from Fund 4430 (Special Income Tax), Dept-Div 2201 (City Auditor), to Fund 6400 (Parking Garages Fund), Dept-Div 5906 (Parking Services), per the account codes in the attachment to this ordinance.

**SECTION 4.** 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, 2021, the sum of \$19,996,180.00 is appropriated in Fund 6400 (Parking Garages Fund), Dept-Div 5906 (Parking Services), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 5.** That the transfer of \$500,000.00, or so much thereof as may be needed, is hereby authorized within Fund 7739 (Development Taxable Bond Fund), from Dept-Div 4402 (Econ. Development), Project P440104-100104 (Gravity 2.0 Garage Contribution), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P440105-100001 (Misc Econ Dev - Confluence Village Garage), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 6.** That the transfer of \$500,000.00, 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 P530303-100000 (Housing Initiatives - Roadways), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P440105-100001 (Misc Econ Dev - Confluence Village Garage), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 7.** That the transfer of \$797,400.00, 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 P530058-100005 (NCR - Public Infrastructure), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P440105-100001 (Misc Econ Dev - Confluence Village Garage), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 8.** That from the unappropriated monies in Fund 2220 (General Government Grants Fund) 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, 2021, the sum of \$22,500.00 is appropriated in Fund 2220 (General Government Grants Fund), Dept-Div 5906 (Parking Services), Grant G592115 (Astor Park Garage Chargers), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 9.** That the Director of Public Service be and is hereby authorized to enter into a construction services contract with Dugan & Meyers, LLC located at 8740 Orion Place Suite 220, Columbus, OH 43240, for the Misc Econ Dev - Confluence Village Garage project in the amount of up to \$20,977,000.00 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 \$839,080.00.

**SECTION 10.** That the expenditure of \$19,996,180.00, or so much thereof as may be needed, is hereby authorized in Fund 6400 (Parking Garages Fund), Dept-Div 5906 (Parking Services), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 11.** That the expenditure of \$1,297,400.00, 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), Project P440105-100001 (Misc Econ Dev - Confluence Village Garage), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 12.** That the expenditure of \$500,000.00, or so much thereof as may be needed, is hereby authorized in Fund 7739 (Development Taxable Bond Fund), Dept-Div 5912 (Design and Construction), Project P440105-100001 (Misc Econ Dev - Confluence Village Garage), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 13.** That the expenditure of \$22,500.00, or so much thereof as may be needed, is hereby authorized in Fund 2220 (General Government Grants Fund), Dept-Div 5906 (Parking Services), Project Grant G592115 (Astor Park Garage Chargers), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 14.** That the monies appropriated in the foregoing Section 2, Section 4 and Section 8 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 15.** 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 3.

**SECTION 16.** 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 \$19,996,180.00 (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 17.** 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 18.** 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 19.** 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 20.** 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 21.** 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.