



Legislation Text

File #: 1706-2013, **Version:** 1

1. BACKGROUND:

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the Resurfacing - Resurfacing 2013 Project 3 project and to provide payment for construction administration and inspection services.

The Resurfacing - Resurfacing 2013 Project 3 project consists of repairing and resurfacing 25 city streets and constructing 198 ADA curb ramps along those streets and also includes the constructing of intersection tables at various intersections within the Hilltop area.

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. Three bids were received on June 20, 2013, (three majority) and tabulated as follows:

| <u>Company Name</u> | <u>Bid Amt</u> | <u>City/State</u> | <u>Majority/MBE/FBE</u> |
|---------------------------------|-----------------|-------------------|-------------------------|
| The Shelly Co. | \$8,842,134.62 | Columbus, OH | Majority |
| Shelly and Sands, Inc. | \$8,950,090.46 | Columbus, OH | Majority |
| Kokosing Construction Co., Inc. | \$10,603,485.33 | Columbus, OH | Majority |

The bid documents included SP-146 which states, "It is the City's intent to fully utilize the available funding provided to its Resurfacing Program within the approved Capital Improvements Budget. Therefore, the City reserves the right to increase or decrease the base contract amount, up to or down to a maximum of \$9,322,072.00. The total amount of the work and other incidentals will not exceed the total amount of the contract (maximum of \$9,322,072.00). In the event that the City does add streets to the original list in order to use the remaining available funds, the contractor shall be bound by all bid specifications and other terms and conditions contained in this contract document. The contract will be awarded to the lowest (determined by the base bid, not including additional funds to equal the maximum of \$9,322,072.00) responsive and responsible and best bidder per Columbus City Code Section 329.

Award is to be made to The Shelly Co. as the lowest responsive and responsible and best bidder. The contract amount will be \$9,322,072.00. The amount for construction administration and inspection services will be \$1,025,427.92. The total legislated amount is \$10,347,499.92.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against The Shelly Co.

2. CONTRACT COMPLIANCE

The contract compliance number for The Shelly Co. is 311279704 and expires 3/13/15.

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 the majority of the funds needed in the amount of \$10,347,499.92 against the Special Income Tax Fund. Upon sale of the bonds, this will be reimbursed.

4. EMERGENCY DESIGNATION

Emergency action is requested in order for the 2013 Resurfacing Program to begin as early as possible and perform necessary reconstruction to City streets in need of rehabilitation.

To amend the 2013 Capital Improvements Budget; to authorize and direct the City Auditor to appropriate and transfer \$10,347,499.92 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 The Shelly Co., and to provide for the payment of construction administration and inspection services in connection with the 2013 Resurfacing Project 3; to authorize the expenditure of \$10,347,499.92 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$10,347,499.92)

WHEREAS, the City of Columbus, Department of Public Service is engaged in the Resurfacing - Resurfacing 2013 Project; and

WHEREAS, this project consists of improving pedestrian and vehicular by repairing and resurfacing approximately 25 city streets and constructing approximately 198 ADA curb ramps along those streets and also the constructing of intersection tables at various intersections within the Hilltop area; and

WHEREAS, The Shelly Co. will be awarded the contract for the Resurfacing - Resurfacing 2013 Project 3 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 \$10,347,499.92; 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 that this project should proceed immediately for the rehabilitation of these roads to ensure the safety of the travelling 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 Director of Public Service be and is hereby authorized to enter into contract with The Shelly Co., 1771 Harmon Avenue, Columbus, Ohio 43223 for the construction of the Resurfacing - Resurfacing 2013 Project 3 project in the amount of \$9,322,072.00 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 \$1,025,427.92.

SECTION 2. The sum of \$10,347,499.92 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 3. That the 2013 Capital Improvement Budget authorized by ordinance 0645-2013 be amended as follows to establish sufficient authority for this project:

| <u>Fund / Project / Project Name / Current / Change / Amended</u> |
|--|
| 704 / 530282-100051 / Resurfacing - Resurfacing Project (Voted 2008) / \$11,031,602.00/ (\$10,183,751.00) /\$847,851.00 |
| 704 / 530282-100091 / Resurfacing - Downtown (Voted 2008) / \$639,083.00 / \$3,161,035.00 / \$3,800,118.00 |
| 704 / 530282-100085 / Resurfacing - Northeast (Voted 2008) / \$1,352,129.00 / \$2,495,267.00 / \$3,847,396.00 |
| 704 / 530282-100097 / Resurfacing - Eastland - Brice (Voted 2008) / \$0.00 / \$251,182.00 / \$251,182.00 |
| 704 / 530282-100076 / Resurfacing - Far North (Voted 2008) / \$0.00 / \$418,866.00 / \$418,866.00 |
| 704 / 530282-100090 / Resurfacing - Greenlawn - Frank Road (Voted 2008) / \$0.00 / \$47,189.00 / \$47,189.00 |
| 704 / 530282-100074 / Resurfacing - Hayden Run (Voted 2008) / \$627,936.00 / \$384,665.00 / \$1,012,601.00 |
| 704 / 530282-100078 / Resurfacing - Northwest (Voted 2008) / \$456,681.00 / \$715,117.00 / \$1,171,798.00 |
| 704 / 530282-100082 / Resurfacing - West Olentangy (Voted 2008) / \$0.00 / \$2,004,669.00 / \$2,004,669.00 |
| 704 / 530282-100098 / Resurfacing - Westland (Voted 2008) / \$0.00 / \$705,766.00 / \$705,766.00 |
| 704 / 590105-100040 / Pedestrian Safety Improvements - Hilltop Community Mobility Plan (Voted 2008) / \$0.00 / \$163,750.00 / \$163,750.00 |
| 704 / 590105-100005 / Pedestrian Safety Improvements - Sidewalk Program (Voted 2008) / \$1,233,367.00 / (\$163,750.00) / \$1,069,617.00 |

SECTION 4. That the City Auditor is hereby authorized to transfer and appropriate said funds in SECTION 2 to the Streets and Highways G.O. Bonds Fund, Fund 704 as follows:

| <u>Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount</u> |
|--|
| 704 / 530282-100091 / Resurfacing - Downtown / 06-6600 / 748291 / \$3,161,034.85 |
| 704 / 530282-100097 / Resurfacing - Eastland - Brice / 06-6600 / 748297 / \$251,181.01 |
| 704 / 530282-100076 / Resurfacing - Far North / 06-6600 / 748276 / \$418,865.54 |
| 704 / 530282-100090 / Resurfacing - Greenlawn - Frank Road / 06-6600 / 748290 / \$47,188.47 |
| 704 / 530282-100074 / Resurfacing - Hayden Run / 06-6600 / 748274 / \$384,664.31 |
| 704 / 530282-100085 / Resurfacing - Northeast / 06-6600 / 748285 / \$2,495,266.32 |
| 704 / 530282-100078 / Resurfacing - Northwest / 06-6600 / 748278 / \$715,116.96 |
| 704 / 530282-100082 / Resurfacing - West Olentangy / 06-6600 / 748282 / \$2,004,668.10 |
| 704 / 530282-100098 / Resurfacing - Westland / 06-6600 / 748298 / \$705,765.04 |
| 704 / 590105-100040 / Pedestrian Safety Improvements - Hilltop Community Mobility Plan / 06-6600 / 740540 / \$163,749.32 |

SECTION 5. That the monies appropriated in the foregoing Sections 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 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 7. 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 8. 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 \$8,518,465.70 (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 9. That for the purpose of paying the cost of the contract and inspection, the sum of \$10,347,499.92 or so much thereof as may be needed, is hereby authorized to be expended from the Streets and Highways G.O. Bonds Fund, No. 704, for the Division of Design and Construction, Dept.-Div. 59-12

Contract (\$9,322,072.00)

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

704 / 530282-100091 / Resurfacing - Downtown / 06-6631 / 748291 / \$2,847,362.86
704 / 530282-100097 / Resurfacing - Eastland - Brice / 06-6631 / 748297 / \$226,256.12
704 / 530282-100076 / Resurfacing - Far North / 06-6631 / 748276 / \$377,301.18
704 / 530282-100090 / Resurfacing - Greenlawn - Frank Road / 06-6631 / 748290 / \$42,505.92
704 / 530282-100074 / Resurfacing - Hayden Run / 06-6631 / 748274 / \$346,493.77
704 / 530282-100085 / Resurfacing - Northeast / 06-6631 / 748285 / \$2,247,659.07
704 / 530282-100078 / Resurfacing - Northwest / 06-6631 / 748278 / \$644,155.34
704 / 530282-100082 / Resurfacing - West Olentangy / 06-6631 / 748282 / \$1,805,743.30
704 / 530282-100098 / Resurfacing - Westland / 06-6631 / 748298 / \$635,731.42
704 / 590105-100040 / Pedestrian Safety Improvements -Hilltop Community Mobility Plan / 06-6631 / 740540 / \$148,863.02

Inspection (\$1,025,427.92)

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

704 / 530282-100091 / Resurfacing - Downtown / 06-6687 / 748291 / \$313,671.99
704 / 530282-100097 / Resurfacing - Eastland - Brice / 06-6687 / 748297 / \$24,924.89
704 / 530282-100076 / Resurfacing - Far North / 06-6687 / 748276 / \$41,564.36
704 / 530282-100090 / Resurfacing - Greenlawn - Frank Road / 06-6687 / 748290 / \$4,682.55
704 / 530282-100074 / Resurfacing - Hayden Run / 06-6687 / 748274 / \$38,170.54
704 / 530282-100085 / Resurfacing - Northeast / 06-6687 / 748285 / \$247,607.25
704 / 530282-100078 / Resurfacing - Northwest / 06-6687 / 748278 / \$70,961.62
704 / 530282-100082 / Resurfacing - West Olentangy / 06-6687 / 748282 / \$198,924.80
704 / 530282-100098 / Resurfacing - Westland / 06-6687 / 748298 / \$70,033.62
704 / 590105-100040 / Pedestrian Safety Improvements -Hilltop Community Mobility Plan/ 06-6687 / 740540 / \$14,886.30

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 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 12. 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 13. 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.