



## Legislation Text

File #: 0517-2016, Version: 1

### 1. BACKGROUND

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the Resurfacing - Resurfacing 2016 Project 1 project and to provide payment for construction administration and inspection services.

This contract consists of repairing and resurfacing 160 City streets and constructing 898 - ADA curb ramps along those streets. The work for which consists of: milling the existing pavement, overlaying with new asphalt concrete, minor curb replacement, and replacing curb and sidewalk associated with installing ADA wheelchair ramps. Where warranted, the plans also call for areas of full depth pavement repair and other such 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 April 6, 2016. The project was let by the Office of Support Services through Vendor Services and Bid Express. Four bids were received on January 28, 2016 (four majority) and tabulated on January 29, 2016, as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Kokosing Construction Company	\$11,660,016.39	Columbus, OH	Majority
Strawser Paving Company, Inc.	\$11,925,458.16	Columbus, OH	Majority
The Shelly Company	\$12,765,905.08	Columbus, OH	Majority
Shelly and Sands, Inc.	\$12,969,926.29	Columbus, OH	Majority

Award is to be made to Kokosing Construction Company as the lowest responsive and responsible and best bidder. The contract amount will be \$11,660,016.39. The amount for construction administration and inspection services will be \$1,049,401.47. The total legislated amount is \$12,709,417.86.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Kokosing Construction Company.

### 2. CONTRACT COMPLIANCE

The contract compliance number for Kokosing Construction Company is 31-1023518 and expires 2/25/16.

### 3. PRE-QUALIFICATION STATUS

Kokosing Construction Company and all proposed trades subcontractors have met code requirements with respect to pre-qualification, pursuant to relevant sections of Columbus City Code Chapter 329.

### 4. FISCAL IMPACT

Funding for this project is budgeted within the 2016 Capital Improvements Budget, which is currently pending approval by Council. Therefore, it is necessary to certify the requisite funds in the amount of \$12,709,417.86 against the Special Income Tax Fund.

### 5. EMERGENCY DESIGNATION

Emergency action is requested in order to sustain an April 6, 2016, Notice to Proceed date to begin the 2016 Resurfacing Program as early as possible in order to perform necessary reconstruction to City streets in need of rehabilitation and to complete the project by the proposed project end date of September 30, 2016,

To authorize the Director of Public Service to enter into contract with Kokosing Construction Company in connection with the Resurfacing Program; to authorize and direct the City Auditor to appropriate and transfer \$12,709,417.86 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the City Auditor to appropriate \$12,709,417.86 within the Streets and Highways Bonds Fund; to authorize the expenditure of \$12,709,417.86 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$12,709,417.86)

**WHEREAS**, the City of Columbus Department of Public Service is engaged in the Resurfacing - Resurfacing 2016 Project 1 project; and

**WHEREAS**, this contract consists of repairing and resurfacing 160 City streets and constructing 898 - ADA curb ramps along those streets, the work for which consists of: milling the existing pavement, overlaying with new asphalt concrete, minor curb replacement, and replacing curb and sidewalk associated with installing ADA wheelchair ramps. Where warranted the plans also call for areas of full depth pavement repair and other such 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**, Kokosing Construction Company will be awarded the contract for the Resurfacing - Resurfacing 2016 Project 1 project; and

**WHEREAS**, it is necessary to enter into contract with Kokosing Construction Company; 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 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 \$12,709,417.86; 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"); now, therefore

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service, Division of Design and Construction, in that it is immediately necessary to enter into contract with Kokosing Construction Company 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 Kokosing Construction Company, 886 McKinley Avenue, Columbus, Ohio 43222, for the construction of the Resurfacing - Resurfacing 2016 Project 1 project in an amount up to \$11,660,016.39 or so much thereof as may be needed, for the Division of Design and Construction in accordance with the specifications and plans on file in the Office of Support Services, which are hereby approved; and to pay for the necessary inspection costs associated with the project up to a maximum of \$1,049,401.47.

**SECTION 2.** That from the unappropriated monies and from all monies estimated to come into said funds from any and all sources and unappropriated for any other purpose during the fiscal year ended December 31, 2016, the sum of \$12,709,417.86 is appropriated in Fund 4430 Special Income Tax in Object Class 10 Transfer Out Operating, and in Fund

7704 Streets and Highways G.O. Bonds Fund Object Class 06 Capital Outlay per the account codes in the attachment to this ordinance.

**SECTION 3.** That the 2015 Capital Improvement Budget authorized by ordinance 0557-2015 be amended as follows to establish sufficient authority for this project:

Fund / Project / Project Name / Current / Change / Amended  
7704 / P530282-912016 / Resurfacing - 2016 Project 1 / \$0.00 / \$12,709,417.86 / \$12,709,417.86

**SECTION 4.** That the transfer of \$12,709,417.86 or so much thereof as may be needed, is hereby authorized between the Special Income Tax Fund, Fund 4430, and the Streets and Highways G.O. Bonds Fund, Fund 7704, per the account codes in the attachment to this ordinance:

**SECTION 5.** 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 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 4.

**SECTION 7.** 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 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 \$12,019,918.00 (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 9.** All 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 for the purpose of paying the cost of the contract and inspection, the sum of \$12,709,417.86 or so much thereof as may be needed, is hereby authorized to be expended from the Streets and Highways G.O. Bonds Fund, No. 7704, in object class 06 Capital Outlay, for the Division of Design and Construction, Dept.-Div. 59-12, as per the account codes in the attachment to 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.