



## Legislation Text

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**File #:** 1766-2013, **Version:** 1

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### **1. BACKGROUND:**

This ordinance authorizes the Director of Public Service to execute a modification for a professional engineering services contract with Gannett Fleming Engineers & Architects (Gannett Fleming) for the Roadway Improvements - Lazelle Road project. This is the second modification to the original contract.

The original contract and first modification's scope of work focused on improving Lazelle Road from a point west of Flint Road to Sancus Boulevard, and will include improvements to the intersections of Lazelle Road at Flint Road and South Old State Road and replacement of the railroad underpass. This is known as Lazelle Road - Phase B.

The Department of Public Service applied for and received MORPC Attributable Funds (federal funds) in early 2013 to improve areas adjacent to the portion of Lazelle Road described above. The portion of Lazelle Road west of Phase B, from N. High St. to a point west of Flint Road where Phase B began, is known as Phase A. Phase C will be to the east, from Sancus to Worthington-Galena Rd. The City will receive over \$27 million in federal funds for all phases of improvements to the Lazelle Road corridor from N. High St. to Worthington-Galena Road.

Gannett Fleming was selected through the request for proposal process to prepare the preliminary engineering document for the corridor. After completion of the preliminary engineering document, the department solicited requests for proposal for detail design of Phase B. Gannett Fleming was the only firm to submit a proposal. They were selected to perform the detailed design for Phase B.

Because of Gannett Fleming's extensive knowledge of the area, the Director of the Department of Public Service seeks authorization to expand the scope of work of the original contract to include Phases A and C. Based upon the response from the RFP process for Phase B, it would not be efficient to solicit proposals for Phase A and C. Additionally, ODOT is considering treating all phases as one project and in doing so would require certain documents submitted that cover the entire corridor. This would be difficult to do if there were multiple firms working on multiple phases.

Phase A improvements include, but are not limited to, pavement reconstruction, addition of sidewalk along the south side, addition of a shared use path along the north side, addition of curb and gutter, addition of curb ramps, addition of lanes, addition of street trees, public and private utility work as needed, and stormwater infrastructure improvements.

Phase C will be broken into three subsections, each with its own types of improvement. Improvements from Sancus intersection (East Leg) to the reduction to 3-lanes east Sancus include pavement resurfacing, addition of sidewalk along the south side, addition of a shared use path along the north side, and public and private utility work as needed. Improvements from the end of the previous section to the east leg of Sirius Street (Private) include pavement reconstruction, addition of sidewalk along the south side, addition of a shared use path along the north side, addition of curb and gutter, addition of curb ramps, addition of lanes, addition of street trees, public and private utility work as needed, and stormwater infrastructure improvements. Improvements from the end of the previous section to Worthington-Galena Rd. include the addition of sidewalk along the south side and addition of street trees.

That Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Gannett Fleming Engineers & Architects.

### **2. PLANNED CONTRACT MODIFICATION**

The Department is working with Gannett Fleming to complete the scope of work for Phases A and C. This contract modification will allow Gannett Fleming to begin surveying and doing some preliminary environmental work. The Director anticipates returning to Council in fourth quarter 2013 to request a planned modification to this agreement once the scope is finalized.

Original contract amount: \$900,000.00 (Ord. 2120-2011, EL012427)

Modification 1 amount: \$1,100,000.00 (Ord. 2274-20123, EL013728)

Modification 2 amount: \$250,000.00

The contract amount, including all modifications: \$2,250,000.00.

## **2. CONTRACT COMPLIANCE**

Gannett Fleming's contract compliance number is 232935505 and expires 3/14/14.

## **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 \$250,000.00 against the Special Income Tax Fund. Upon sale of the bonds, this will be reimbursed.

## **4. EMERGENCY DESIGNATION**

Emergency action is requested to allow for the Department of Public Service to make funding for the design of this project available and allow the project schedule to proceed as planned thereby preserving the public health, peace, property, safety, and welfare.

To authorize and direct the City Auditor to appropriate and transfer \$250,000.00 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the Director of Public Service to modify and increase an existing contract with Gannett Fleming Engineers & Architects for professional services for the Roadway Improvements - Lazelle Road project; to authorize the expenditure of up to \$250,000.00 from the Streets and Highways Bond Fund; and to declare an emergency. (\$250,000.00)

**WHEREAS**, Ordinance 2120-2011, authorized the Director of Public Service to enter into contract with Gannett Fleming Engineers & Architects for the Roadway Improvement - Lazelle Road project; and

**WHEREAS**, Ordinance 2274-2013, authorized the Director of Public Service modify and increase the contract amount with Gannett Fleming Engineers & Architects for the Roadway Improvement - Lazelle Road project; and

**WHEREAS**, additional engineering and design services are needed for the Roadway Improvements - Lazelle Road project; and

**WHEREAS**, it is necessary to execute a planned contract modification to Contract No. EL012427 to authorize additional funds and expanded scope for the professional services required for the engineering and design of this project; and

**WHEREAS**, this ordinance authorizes the Director of Public Service to execute a professional services contract modification for the Roadway Improvements - Lazelle Road project; 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 \$250,000.00; 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 Public Service in that it is necessary to provide additional funding for engineering design services to allow the schedule of this project to proceed as planned 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 \$250,000.00 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 Streets and Highways G.O. Bonds Fund, Fund 704 as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount  
704 / 530161-100000 / Roadway Improvements / 06-6600 / 590046 / \$250,000.00

**SECTION 3.** That the Director of Public Service is hereby authorized and directed to modify and increase an existing professional engineering services contract with Gannett Fleming Engineers & Architects, 4151 Executive Parkway, Suite 350, Westerville, OH 43081, for the Roadway Improvements - Lazelle Road project, in the amount of up to \$250,000.00.

**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 \$1,000,000.00 (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 7.** That the expenditure of \$250,000.00 is hereby authorized for the above described purchase as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount  
704 / 530161-100000 / Roadway Improvements / 06-6682 / 590046 / \$250,000.00

**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.