



## Legislation Text

File #: 1470-2024, Version: 1

### 1. BACKGROUND

This legislation authorizes the Director of Public Service to modify and increase an existing contract with Shelly & Sands, Inc. for the Roadway Improvements - Stormwater Regional Basins - Parsons Avenue project in an amount up to \$120,000.00 and \$10,000.00 for construction administration and inspection services for a total modification amount of \$130,000.00.

Ordinance 0179-2022 authorized the Director of Public Service to enter into a contract with Shelly & Sands, Inc. for the construction of the Roadway Improvements - Stormwater Regional Basins - Parsons Avenue project and to provide for construction administration and inspection services. The work performed to date for this project consists of installation of a dry detention basin, outlet structure, emergency spillway, access drive, and tree planting.

Ordinance 0031-2023 authorized the Director of Public Service to modify the contract with Shelly & Sands, Inc. to fund additional work not anticipated during design and not covered by the 10% project contingency. Additional work included pumping costs due to encountering groundwater at a higher elevation than anticipated, additional clay liner costs associated with the higher ground water table, and additional fencing costs to completely fence in the property after it became apparent ATVs were accessing the site through the creek side.

#### **1.1 Amount of additional funds to be expended: \$120,000.00**

The original contract amount, no inspection:	\$1,986,801.41	(PO312718, Ord. 0179-2022)
The total of Modification No. 1, no inspection:	\$184,183.00	(PO368235, Ord. 0031-2023)
The total of Modification No. 2, no inspection:	<u>\$120,000.00</u>	(This Ordinance)
The contract amount including all modifications:	\$2,290,984.41	

#### **1.2 Reasons additional goods/services could not be foreseen:**

This modification is necessary to allow additional resources for additional work related to pumping costs due to encountering groundwater at a higher elevation than anticipated during additional clay liner work associated with the higher ground water table, also includes installation of new bulkhead in 36" line.

#### **1.3 Reason other procurement processes are not used:**

It has been deemed to be more cost efficient to modify the existing contract than to bid this part of the work.

#### **1.4 How cost of modification was determined:**

Costs were obtained using actual cost force account records with applicable markups as agreed by contractor and project staff.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Shelly & Sands, Inc.

### 2. CONTRACT COMPLIANCE

The contract compliance number for Shelly & Sands, Inc. is CC006043 and expires 1/29/26.

### 3. Pre-Qualification Status

Shelly & Sands, Inc. 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**

Funds are available and appropriated for this modification within the Streets and Highways Bonds Fund, Fund 7704. An amendment to the 2023 Capital Improvement Budget is required to establish sufficient budget authority for the project.

**5. MINORITY AND WOMAN OWNED BUSINESS ENTERPRISE & SMALL LOCAL BUSINESS ENTERPRISE PROGRAM**

This expenditure is to modify a contract that was put in place prior to the implementation of this program and as such is not a part of the program.

**6. EMERGENCY DESIGNATION**

Emergency action is requested to prevent unnecessary delays in the completion of modification 2 for the Roadway Improvements - Stormwater Regional Basins - Parsons Avenue project to facilitate the completion of planned improvements in a timely manner and to ensure the safety of the traveling public.

To amend the 2023 Capital Improvements Budget; to authorize the Director of Public Service to enter into a contract modification with Shelly & Sands, Inc. in connection with the Roadway Improvements - Stormwater Regional Basins - Parsons Avenue project; to authorize the expenditure of up to \$130,000.00 from the Streets and Highways Bond Fund; and to declare an emergency. (\$130,000.00)

**WHEREAS**, contract no. PO312718 with Shelly & Sands, Inc., in the amount of \$1,986,801.41, was authorized by ordinance no. 0179-2022; and

**WHEREAS**, contract no. PO368235 with Shelly & Sands, Inc., in the amount of \$184,183.00, was authorized by ordinance no. 0031-2023; and

**WHEREAS**, it has become necessary to modify the contract in an amount up to \$120,000.00 for the purpose of performing additional construction work on the Roadway Improvements - Stormwater Regional Basins - Parsons Avenue project; and

**WHEREAS**, it is necessary to pay for additional construction administration and inspection services in the amount of \$10,000.00; and

**WHEREAS**, it is necessary to provide for contract payment for that project; and

**WHEREAS**, it is necessary to amend the 2023 Capital Improvement Budget to align funding for project expenditures; and

**WHEREAS**, this expenditure is to modify a contract that was put in place prior to the implementation of this program and as such is not a part of the program; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the Director to enter into a contract modification with Shelly & Sands, Inc. to prevent delays in the construction schedule to ensure the safety of the traveling public, all for the immediate preservation of the public health, peace, property, safety, and welfare; and **now, therefore**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the 2023 Capital Improvements Budget authorized by ordinance 1711-2023 be amended to establish sufficient authority for this project:

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

7704 / P530161-100195 / Roadway Improvements - Stormwater Regional Basins (Voted Carryover) / \$270,595.00 /

(\$130,000.00) / \$140,595.00

7704 / P530161-200195 / Roadway Improvements - Stormwater Regional Basins - Parsons Avenue (Voted Carryover) / \$205,000.00 / \$130,000.00 / \$335,000.00

**SECTION 2.** That the Director of Public Service be and is hereby authorized to enter into a contract modification with Shelly & Sands, Inc., 1515 Harmon Avenue, Columbus Ohio 43223, for the Roadway Improvements - Stormwater Regional Basins - Parsons Avenue project in the amount of up to \$120,000.00 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 \$10,000.00.

**SECTION 3.** That the expenditure of \$130,000.00 or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5911 (Infrastructure Management), Project P530161-200195 (Roadway Improvements - Stormwater Regional Basins - Parsons Avenue), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 4.** 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 5.** 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 6.** 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 7.** 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.