



Legislation Text

File #: 1025-2024, **Version:** 1

Background: This ordinance authorizes the Director of the Recreation and Parks Department to enter into a LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation (ODOT) for the Olentangy Trail - Northmoor to Clinton Como Project. This ordinance will also authorize the appropriation of grant and matching funds in conjunction with this grant agreement. The grant amount is \$5,417,132.00 and the local match amount is \$4,369,137.81. This ordinance also authorizes the Director of the Recreation and Parks Department to enter into contract with Complete General Construction Company for the construction of the Olentangy Trail - Northmoor to Clinton Como Project. The contract amount is \$8,861,848.81, with a contingency of \$800,000.00, for a total of \$9,661,848.81. An additional \$704,421.00 is being authorized for interdepartmental inspections and fees for this project. There is a total of \$10,366,269.81 being authorized by this ordinance.

In 2018, the Columbus Recreation and Parks Department (CRPD) was awarded federal grant funding from the Mid-Ohio Regional Planning Commission (MORPC), administered by the Ohio Department of Transportation (ODOT), to assist towards construction construct the final 0.6 mile segment of the Olentangy Trail, from Northmoor Park to Clinton Como Park. The project's grant funding is administered by ODOT under a Local Participation Agreement for Project PID 112036, as authorized by Ordinance 3524-2023.

The Columbus Recreation and Parks Department was also awarded a grant from the Ohio Department of Natural Resources (ODNR) Clean Ohio Trails Fund (COTF) in support of this project. The ODNR grant, in the amount of \$435,000.00, with a local match of \$145,000.00, was authorized by Ordinance No. 0129-2024. This \$580,000.00 will also be used towards the construction of this project.

The Olentangy Trail is Central Ohio's most heavily used greenway trail. Recent trail count data shows over 1 million users per year travel on this trail. This central 0.6 mile segment of the 14 mile trail between Northmoor Park and Clinton Como Park was never completed. Currently, users must leave the trail and use a one mile signed on-street route. This route travels on five different streets and is widely recognized as difficult to navigate, congested, narrow, and unsafe. The route includes constricted sections where combined two-way car and trail traffic is on 11 foot to 13 foot wide pavement. This project will complete this final trail gap by constructing a crossing of the Olentangy River at Northmoor Park, traveling along the west bank of the river. At North Broadway Street, the trail will use an enhanced bike and pedestrian crosswalk and signal. The trail will then travel along the river behind the Ohio Health Campus. The trail will then continue south, strategically using boardwalks in environmentally sensitive areas, and cross the river to Clinton Como Park where it rejoins the existing trail. Construction is anticipated to start in the spring of 2024 and will be complete by the fall of 2025.

Vendor Bid/Proposal Submissions (ODI designation status):

Bids were advertised through Vendor Services and Bid Express, in accordance with City Code Section 329, on February 27, 2024, and received by the Recreation and Parks Department on March 19, 2024. Bids were received from the following companies:

Complete General Construction Company (MAJ): \$8,861,848.81
Double Z Construction Company (MAJ): \$10,583,890.18

After reviewing the bids that were submitted, it was determined that Complete General Construction Company was the lowest and most responsive bidder. Complete General Construction Company and all proposed subcontractors have met

code requirements with respect to prequalification, pursuant to relevant sections of Columbus City Code Chapter 329.

As part of their bid, Complete General Construction Company has proposed the following vendors to fulfill the Ohio Department of Transportation's Disadvantaged Business Enterprise (DBE) Program project participation goal, designed to provide DBEs a fair opportunity to compete for federally-funded transportation contracts.

CAP STONE & Associates, Inc. (DBE, WBE)
Flatrock Bridge Group (DBE)
Midway Structural Pipe and Supply (DBE)
JN Graham Trucking LLC (DBE, EBE)
All Contractors Supply LLC (DBE)

Principal Parties:

Complete General Construction Company
1221 East Fifth Avenue
Columbus, Ohio 43219
Lee Guzzo, (614) 258-9515
Contract Compliance Number: 006056
Contract Compliance Expiration Date: May 10, 2025

Ohio Department of Transportation (ODOT)
400 East William Street
Delaware, Ohio 43015
Brian Davidson, (740) 833-7165
Government Agency

Emergency Justification: Emergency action is requested in order to meet the required ODOT Federal grant funding fiscal deadline that requires the construction contract to be executed prior to June of 2024.

Benefits to the Public: Cycling, walking, running, and active trail uses provide highly recognized year-round benefits to urban lifestyles. Access to trails and key destinations is one of the top rated active transportation priorities noted by Columbus residents. Over 30,000 residents, six parks, 15 schools, a regional hospital, a medical campus, and over 100 businesses are located nearby this trail.

Community Input/Issues: The Recreation and Parks Department received letters of support from the local community, the Clintonville Area Commission, Ohio Health, private developers, and from trail users city-wide. A public open house was held in 2021 with over 230 attendees. Over 450 comments were received via website, letters, emails, social media, and voicemails.

Area(s) Affected: Olentangy West (38), Clintonville, (39), Citywide (99)

Master Plan Relation: This project will support the Recreation and Parks Master Plan by improving access to existing trails from surrounding neighborhoods, business districts, and parks. It will also improve trail safety and expand bicycle infrastructure.

Fiscal Impact: This ordinance is contingent upon Ordinance 0129-2024. This ordinance will authorize the appropriation of \$5,417,132.00 in grant funds in the Recreation and Parks Grant Fund 2283. This ordinance will also authorize a grant match of \$4,369,137.81 from the Recreation and Parks Voted Bond Fund 7702. \$4,369,137.81 is budgeted within the Recreation and Parks Voted Bond Fund 7702 to meet the financial obligations of this grant match within the 2023 Capital Improvements Budget. The funds will not be available to Recreation and Parks until the proceeds of the 2023-2024 bond sale are available at a future date. Therefore, it is necessary to certify the required funds, in the amount of \$4,369,137.81, against the General Fund 1000, Income Tax Set Aside Subfund 100099. Upon the sale of bonds, this will be reimbursed.

There is a total of \$10,366,269.81 available for this project. \$10,366,269.81 is budgeted and available from within the Recreation and Parks Grant Fund 2283 and Voted Bond Fund 7702 to meet the financial obligations of this contract.

To authorize the Director of Recreation and Parks to enter into a LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation for the Olentangy Trail - Northmoor to Clinton Como Project and accept a grant in the amount of \$5,417,132.00; to authorize the Director of Recreation and Parks to enter into contract with Complete General Construction Company for the Olentangy Trail - Northmoor to Clinton Como Project; to authorize the transfer of \$4,369,137.81 between the General Fund Income Tax Set Aside Subfund and the Recreation and Parks Bond Fund; to authorize the appropriation of \$5,417,132.00 in the Recreation and Parks Grant Fund; to authorize the appropriation of \$4,369,137.81 in the Income Tax Set Aside Subfund and Recreation and Parks Voted Bond Fund; to authorize the expenditure of \$10,366,269.81 from the Recreation and Parks Grant Fund and Voted Bond Fund; and to declare an emergency. (\$10,366,269.81)

WHEREAS, it is necessary to authorize and direct the Director of Recreation and Parks to accept a grant in the amount of \$5,417,132.00 and enter into a LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation for the Olentangy Trail - Northmoor to Clinton Como Project; and

WHEREAS, it is necessary to authorize the Director of Recreation and Parks to enter into contract with Complete General Construction Company for the Olentangy Trail - Northmoor to Clinton Como Project; and

WHEREAS, it is necessary to authorize the appropriation of \$5,417,132.00 to the Recreation and Parks Grant Fund; 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 construction of the project described in this ordinance (the "Project"); and

WHEREAS, it is necessary to authorize the transfer of \$4,369,137.81 between the General Fund 1000, Income Tax Set Aside Subfund 100099, and the Recreation and Parks Bond Fund, Fund 7702; and

WHEREAS, funds will need to be appropriated within the General Fund 1000, Income Tax Set Aside Subfund 100099 and within the Recreation and Parks Bond Fund, Fund 7702; and

WHEREAS, the City will reimburse the General Fund 1000, Income Tax Set Aside Subfund 100099; 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 \$4,369,137.81; and

WHEREAS, an emergency exists in the usual daily operations of the Recreation and Parks Department in that it is immediately necessary to authorize the Director of Recreation and Parks to enter into a grant agreement with the Ohio Department of Transportation (ODOT) and a construction contract with Complete General Construction Company in order to meet the required ODOT Federal grant funding fiscal deadline that requires the construction contract to be executed prior to June of 2024, 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 Director of Recreation and Parks is authorized and directed to accept a grant and enter into a LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation (ODOT) for the Olentangy Trail -

Northmoor to Clinton Como Project. The amount of the grant is \$5,417,132.00.

SECTION 2. That the Director of Recreation and Parks be and is hereby authorized to enter into contract with Complete General Construction Company for the Olentangy Trail - Northmoor to Clinton Como Project.

SECTION 3. That 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 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 ending December 31, 2024, the sum of \$5,417,132.00 is appropriated to the Recreation and Parks Grant Fund 2283 per the account codes in the attachment to this ordinance. Appropriation effective upon receipt of executed grant agreement.

SECTION 5. 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 ending December 31, 2024, the sum of \$4,369,137.81 is appropriated in General Fund 1000, Income Tax Set Aside Subfund 100099, in Object Class 10 Transfer Out Operating, and in Fund 7702, Recreation and Parks Bond Fund, in Object Class 06 Capital Outlay per the account codes in the attachment to this ordinance.

SECTION 6. That the transfer of \$4,369,137.81 or so much thereof as may be needed, is hereby authorized between the General Fund 1000, Income Tax Set Aside Subfund 100099, and the Recreation and Parks Bond Fund, Fund 7702, per the account codes in the attachment to this ordinance.

SECTION 7. That the City Auditor is hereby authorized to transfer said funds to the Recreation and Parks Voted Bond Fund 7702, at such time as is deemed necessary by the City Auditor, and to expend said funds, or so much thereof as may be necessary.

SECTION 8. That upon obtaining other funds from the 2023-2024 Bond Sale for the City of Columbus, the City Auditor is hereby authorized and directed to repay the General Fund 1000, Income Tax Set Aside Subfund 100099 the amount transferred under Section 6.

SECTION 9. That the City intends that this ordinance constitutes 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 \$4,369,137.81 (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 10. 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 11. 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 12. 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 13. For the purpose stated in Section 2, the expenditure of \$10,366,269.81 or so much thereof as may be necessary to pay the cost thereof, be and is hereby authorized from the Recreation and Parks Grant Fund 2283 and Voted Bond Fund 7702 in object class 06 Capital Outlay per the accounting codes in the attachments to this ordinance.

SECTION 14. 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.