



Legislation Text

File #: 1640-2013, **Version:** 1

1. BACKGROUND:

This legislation authorizes the Director of Public Service to modify a professional engineering services contract with MS Consultants Inc. for the Arterial Street Rehabilitation - Stelzer/James Road (Allegheny Ave/Old James - Johnstown Road) project.

The original ordinance, 1144-2012, indicated that the project design would be completed in two parts and that a planned modification would be forthcoming.

This project provides complete street improvements to North James Road from East Broad Street to Allegheny Avenue/Stelzer Road/North James Road and to Stelzer Road from Allegheny Avenue/North James Road to Johnstown Road. The project generally includes pavement reconstruction, installation of sidewalks, shared use paths, and pedestrian ramps, curb replacement, stormwater improvements, and bridge modifications.

Approximately 2.5 miles of 5 to 7 foot wide sidewalk will be added or reconstructed in this project on the East and West sides of the road. 64 ADA ramps will also be added or reconstructed. There are 8 bus stops and transit routes within the limits of this project. This project complies with the recommendation of the Pedestrian Thoroughfare Plan because the project will utilize the PTP for guidance.

Original contract amount: \$1,500,000.00 (Ordinance 1144-2012, EL012937)

Modification number 1: \$500,000.00

Total amount of the contract, including this modification: \$2,000,000.00

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against MS Consultants Inc.

2. CONTRACT COMPLIANCE

The contract compliance number for MS Consultants Inc. is 346546916 and Expires 4/5/14.

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 \$500,000.00 against the Special Income Tax Fund. Upon sale of the bonds, this will be reimbursed.

4. EMERGENCY DESIGNATION

Emergency action is requested to provide funding for the professional services described above at the earliest possible time in order to maintain the project schedule.

To authorize and direct the City Auditor to appropriate and transfer \$500,000.00 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 MS Consultants Inc. in connection with the Arterial Street Rehabilitation - Stelzer/James Road (Allegheny Ave/Old James - Johnstown Road) project; to authorize the expenditure of up to \$500,000.00 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$500,000.00)

WHEREAS, there is a need to modify a professional engineering services contract for the design of the Arterial Street Rehabilitation - Stelzer/James Road (Allegheny Ave/Old James - Johnstown Road) project; and

WHEREAS, this project provides complete street improvements to North James Road from East Broad Street to Allegheny Avenue/Stelzer Road/North James Road and to Stelzer Road from Allegheny Avenue/North James Road to Johnstown Road. The project generally includes pavement reconstruction, installation of sidewalks, shared use paths, and pedestrian ramps, curb replacement, stormwater improvements, and bridge modifications. Approximately 2.5 miles of 5 to 7 foot wide sidewalk will be added or reconstructed in this project on the East and West sides of the road. 64 ADA ramps will also be added or reconstructed. There are 8 bus stops and transit routes within the limits of this project. This project complies with the recommendation of the Pedestrian Thoroughfare Plan because the project will utilize the PTP for guidance; and

WHEREAS, a planned modification was anticipated to occur at the completion of Part 1 of the project to fund work needed to complete Part 2; 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 \$500,000.00; 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 this legislation should go forth immediately to provide funding for these engineering services in order to maintain the project schedule, 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 \$500,000.00 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 / 530103-100022 / Arterial Street Rehabilitation - Stelzer/James Road (Allegheny Ave/Old James - Johnstown Road) / 06-6600 / 740322 / \$500,000.00

SECTION 3. That the Director of Public Service be and is hereby authorized to enter into contract with MS Consultants Inc., 2221 Schrock Road, Columbus, Ohio, 43229 for the construction of the Arterial Street Rehabilitation - Stelzer/James

Road (Allegheny Ave/Old James - Johnstown Road) project up to the amount of \$500,000.00.

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 \$500,000.00 (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 for the purpose of paying the cost of the contract, the sum of \$500,000.00 or so much thereof as may be needed, is hereby authorized to be expended from the Streets and Highways G.O. Bond Funds, No. 704, for the Division of Design and Construction, Dept.-Div. 59-12, as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 530103-100022 / Arterial Street Rehabilitation - Stelzer/James Road (Allegheny Ave/Old James - Johnstown Road) / 06-6682 / 740322 / \$500,000.00

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.