



Legislation Text

File #: 1228-2010, Version: 1

1. BACKGROUND

This legislation authorizes the Director of Public Service to modify and increase the construction contract with Shelly and Sands, Inc. for the Resurfacing 2010 - Project 5 project in an amount up to \$1,587,631.55 and to provide for additional construction inspection in the amount of \$151,213.25.

<u>Company Name</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Shelly and Sands, Inc.	Columbus, OH	Majority

This contract modification will allow the Department of Public Service to increase this existing contract for purposes of adding the resurfacing of an additional eleven streets using available funds from the August bond sale. The contractor has agreed to extend the unit prices for these additional streets that were contained in the original, competitively bid contract. This modification with Shelly and Sands, Inc., along with a companion contract modification with Strawser Inc., will enable these contractors to make a comprehensive effort to resurface the greatest number of city streets during this fiscal year's construction season, within the budgeted \$18.5 million dollar FY2010 Resurfacing Program. If the Department had undertaken another separate, competitive procurement effort for these additional resurfacing services, it would have certainly delayed the commencement and completion of the work until the 2011 construction season and would have included an estimated, additional 8-10 % increase in the cost to do so.

Work performed under the original contract consisted of resurfacing 36 City streets. Some of the streets included were McNaughten Road, Sullivant Avenue, Dundee Avenue, Eakin Road and numerous streets in the Downtown area.

11 streets will be added or reconstructed in this project, they are:

- Edmonton Road from Northtowne Boulevard to Cleveland Avenue
- Halkirk Street North from Edinburgh Lane to the west terminus
- Halkirk Street South from Edinburgh Lane to the west terminus
- Morse Crossing from Easton Way to Morse Road
- Northtowne Boulevard from the Service Road to Balmoral Road
- Hearthstone Avenue from Red Fern Drive to Sharon Woods Boulevard
- Johanne Street from Meander Drive to Red Fern Drive
- Meander Drive from Skywae Drive to Sharon Wood Boulevard
- Middleshire Street from Meander Drive to Hearthstone Avenue
- Red Fern Drive from Skywae Drive to Johanne Street
- Red Fern Place from Red Fern Drive to the north terminus.

As part of this modification 134 ADA ramps will also be added or reconstructed. The cost of the modification was determined from the breakdown of estimated quantities as measured and quantified by city staff. Existing contract unit prices were then used to determine the contract modification amount. Additional inspection cost was estimated based on the amount of additional construction work to be included in the contract.

The original contract amount (EL010736)	\$ 3,668,226.33
The total of Modification No. 1:	\$ 1,587,631.55
The total of all prior modifications:	\$ 0.00
The contract amount including all modifications:	\$ 5,255,857.88

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against Shelly and Sands, Inc.

2. CONTRACT COMPLIANCE

Shelly and Sands, Inc's contract compliance number is 314351261 and expires 2/26/12.

3. FISCAL IMPACT

Funds are available for this modification within the 2010 Capital Improvement Budget from the Build America Bonds Fund and the Streets and Highways G.O. Bonds Fund for the Division of Design and Construction. Originally 6 resurfacing projects were planned and funds budgeted. It has been determined that instead of the 6th project, Resurfacing 2010 Project 2 and Resurfacing 2010 Project 5 will be modified. Project 2 is being legislated in another ordinance.

4. EMERGENCY DESIGNATION

The Department of Public Service is requesting City Council to enact this legislation as an emergency measure in order to allow for the execution of a construction contract modification, pursuant to the immediate commencement of the additional roadway resurfacing work to streets that have been identified as high priority due to their pavement condition ratings.

To authorize the Director of Public Service to modify and increase the contract for the construction of the Resurfacing 2010 Project 5 project with Shelly and Sands, Inc. and to provide funding for additional construction inspection for the Division of Design and Construction; to amend the 2010 Capital Improvement Budget; to authorize the transfer of funds within the Build America Bonds Fund and the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$1,738,844.80 from the Build America Bonds Fund and the Streets and Highways G.O. Bonds Fund for the Division of Design and Construction; and to declare an emergency (\$1,738,844.80).

WHEREAS, contract no. EL010736 was authorized by ordinance no. 0989-2010, passed by City Council July 12, 2010, executed July 23, 2010 and approved by the City Attorney on July 30, 2010; and

WHEREAS, the Department of Public Service has determined it to be in the City's best interest to modify the subject contract for purposes of adding an additional eleven streets, thereby enabling the Department to maximize its efforts of delivering an \$18.5 million dollar resurfacing program budget approved by City Council in the FY2010 Capital Improvements Budget; and

WHEREAS, this ordinance authorizes the first modification to the Resurfacing 2010 Project 5 contract in the amount of \$1,587,631.55; and

WHEREAS, it is necessary to provide additional funding for construction inspection; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Division of Design and Construction, in that the contract should be modified and increased immediately so that the project may be proceed in 2010, 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 modify and increase contract no. EL010736, with Shelly and Sands, Inc, 1515 Harmon Avenue, Columbus, OH 43216, by \$1,587,631.55 for additional work in accordance with the terms as shown on the modification on file in the Office of Support Services, which are hereby approved and to provide additional funding in the amount of \$151,213.25 for construction inspection.

Section 2. That the 2010 Capital Improvement Budget be amended to provide sufficient authority for this project as follows:

<u>Fund / Project Number / Project / Current CIB Amount / Amendment Amount / CIB Amount</u>
704 / 530282-100055 / Resurfacing - Resurfacing 2010 Project 4 / \$6,149,339.00 / (\$451,614.00) / \$5,697,725.00
746 / 530282-100057 / Resurfacing - Resurfacing 2010 Project 6 / \$1,253,671.00 / (\$770,472.00) / \$483,199.00
704 / 530282-100056 / Resurfacing - Resurfacing 2010 Project 5 / \$4,551,809.00 / \$451,614.00 / \$5,003,423.00
746 / 530282-100056 / Resurfacing - Resurfacing 2010 Project 5 / \$0.00 / \$770,472.00 / \$770,472.00

Section 3. That the City Auditor be and hereby is authorized to transfer \$1,222,084.80 within Fund 746, the Build America Bonds Fund and Fund 704, the Streets and Highways G.O. Bonds Fund, Dept-Div 59-12, Division of Design and Construction as follows:

TRANSFER FROM

<u>Fund / Project / Project Name / OL 01-03 Codes / OCA Code / amount</u>
704 / 530282-100055 / Resurfacing - Resurfacing 2010 Project 4 / 06-6600/ 742855 / \$451,613.27

746 / 530282-100057 / Resurfacing - Resurfacing 2010 Project 6 / 06-6600 / 768257 / \$770,471.53

TRANSFER TO

Fund / project # / project / O.L. 01/03 Codes / OCA Code / amount

704 / 530282-100056 / Resurfacing - Resurfacing 2010 Project 5 / 06-6600 / 742856 / \$451,613.27

746 / 530282-100056 / Resurfacing - Resurfacing 2010 Project 5 / 06-6600 / 768256 / \$770,471.53

Section 4. That for the purpose of paying the cost thereof, the sum of \$1,738,844.80 or so much thereof as may be needed, is hereby authorized to be expended from the Build America Bonds Fund, Fund 746, and the Streets and Highways G.O. Bonds Fund, No. 704, for the Division of Design and Construction, Dept-Div. 59-12, O.L. 01-03 Code 06-6631, as follows

Fund / project # / project / OCA Code / amount

704 / 530282-100056 / Resurfacing - Resurfacing 2010 Project 5 / 742856 / \$968,373.27

746 / 530282-100056 / Resurfacing - Resurfacing 2010 Project 5 / 768256 / \$770,471.53

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 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.