



Legislation Text

File #: 3167-2023, Version: 1

1. BACKGROUND

This ordinance authorizes the Director of the Department of Public Service to enter into contract with Shelly and Sands, Inc., for the Intersection Improvements - Dublin-Granville Road at Ulry Road project and to provide payment for construction, construction administration and inspection services.

This project consists of improvements to the intersection of Dublin-Granville Road and Ulry Road. Turn lanes will be constructed at the intersection of Dublin-Granville and Ulry Roads, and a two-way left turn lane will be constructed on Dublin-Granville Road between Ulry Road and Old Hamilton Road. A shared-use path (SUP) will be added on the south side of Dublin-Granville Road and a sidewalk will be added on the north side of Dublin-Granville Road. Work also includes traffic signal, interconnect, traffic control, lighting, and drainage improvements, and other work as may be necessary to complete the contract in accordance with the plans and specifications set forth in the Bid Submittal Documents.

The estimated Notice to Proceed date is January 18, 2024. The project was let by the Office of Support Services through Vendor Services and Bid Express. Four bids were received on October 17, 2023, (all majority) and tabulated as follows:

<u>Company Name</u>	<u>Bid Amount</u>	<u>City/State</u>	<u>Majority/ODI Certification</u>
Decker Construction Company	\$4,023,630.21	Columbus, Ohio	MAJ
Complete General Construction	\$4,061,642.80	Columbus, Ohio	MAJ
Shelly & Sands, Inc.	\$4,128,681.21	Columbus, Ohio	MAJ
Strawser Paving Company, Inc.	\$4,542,582.44	Columbus, Ohio	MAJ

Award is to be made to Shelly & Sands, Inc. as the company that submitted the lowest, most comparable bid of \$4,128,681.21. The amount of construction administration and inspection services will be \$412,868.10. The total legislated amount is \$4,541,549.31.

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

Shelly & Sands, Inc.'s certification was in good standing at the time the bid was awarded.

As part of their bid, Shelly & Sands, Inc. has proposed the following subcontractors to work on the project:

<u>Company Name</u>	<u>City/State</u>	<u>Majority/ODI Certification</u>
Boca Construction Inc.	Norwalk, OH	MAJ
Complete Clearing Inc	Marengo, OH	MAJ
Complete General Construction	Columbus, OH	MAJ
Concrete Cutting & Breaking	Columbus, OH	MAJ
Environmental Mgt Inc	Plain City, OH	MAJ
Hurts Trucking and Demo	Marysville, OH	MBE
Griffin Pavement	Columbus, OH	MAJ
MP Dory Co	Columbus, OH	MAJ
Paul Peterson Company	Columbus, OH	MAJ
Phenix Stabilization	Columbus, OH	MAJ
TFR Construction	Columbus, OH	MBE

WL Markers	Columbus, OH	MAJ
Follow the River Environmental	Columbus, OH	MAJ

2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Shelly & Sands, Inc. is 006043 and expires 2/3/2024.

3. PRE-QUALIFICATION STATUS

Shelly & Sands, Inc. and all proposed subcontractors have met code requirements with respect to pre-qualification, pursuant to relevant sections of Columbus City Codes Chapter 329.

4. FISCAL IMPACT

Funds in the amounts of \$1,012,199.31 are budgeted and available for this project in Fund 4421, the Rocky Fork TIF Fund. It is necessary to appropriate these funds, transfer them to Fund 7421 (Rocky Fork TIF Capital Fund) and appropriate the funds in Fund 7421 so they can be expended.

Funds in the amounts of \$2,537,505.39 are budgeted and available for this project in Fund 7438, the Preserve TIF Fund. Funds in the amounts of \$51,744.64 are budgeted and available for this project in Fund 7439, the Dublin Granville South TIF Fund. Funds in the amounts of \$621,549.97 are budgeted and available for this project in Fund 7440, the Dublin Granville North TIF Fund. Funds in the amounts of \$318,550.00 are budgeted and available for this project in Fund 7772, the Northeast Corridor Pay as We Grow Fund. It is necessary to transfer funds within the funds, to align spending in the proper project. Funds will need to be appropriated.

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

ENTERPRISE PROGRAM

This contract was bid with an assigned City of Columbus MBE/WBE Program goal of 15% as provided by the Office of Diversity and Inclusion (ODI). None of the submitted bids achieved the MBE/WBE Program goal. Decker Construction Company and Complete General Construction Company submitted lower bids than Shelly & Sands, Inc. However, after consideration of all bids and supporting documentation, ODI determined that Shelly & Sands, Inc., with an MBE/WBE attainment rate of 14.39%, was the lowest most comparable bid that comes closest to meeting the MBE/WBE Program goal. ODI stated it is their position that award should be to the lowest most comparable bid, the third low bidder, Shelly & Sands, Inc. Failure by the contractor to meet this goal subjects the contractor to the Penalties for Non-Compliance as described in the “City’s Minority and Women-Owned Business Enterprise & Small Local Business Enterprise Program Manual” and in the “City of Columbus MBE/WBE Program Special Provision” that were part of the bid documents for this contract.

To appropriate funds within the Rocky Fork TIF Fund, Rocky Fork TIF Capital Fund, Preserve TIF Fund, Dublin Granville South TIF Fund, Dublin Granville North TIF Fund, and the Northeast Corridor Pay as We Grow Fund; to authorize the City Auditor to transfer cash between the Rocky Fork TIF Fund and the Rocky Fork TIF Capital Fund; to authorize the City Auditor to transfer within the Preserve TIF Fund, Dublin Granville South TIF Fund, Dublin Granville North TIF Fund and the Northeast Corridor Pay as We Grow Fund; to authorize the Director of the Department of Public Service to enter into contract with Shelly and Sands, Inc. for the Intersection Improvements - Dublin-Granville Road at Ulry Road project; and to authorize the expenditure of \$4,541,549.31 split among the Rocky Fork TIF Capital Fund, Preserve TIF Fund, Dublin Granville South TIF Fund, Dublin Granville North TIF Fund, and the Northeast Corridor Pay as We Grow Fund for the project. (\$4,541,549.31)

WHEREAS, the Department of Public Service is engaged in the Intersection Improvements - Dublin-Granville Road at Ulry Road project; and

WHEREAS, the work for this project consists of improvements to the intersection of Dublin-Granville Road and Ulry Road. Turn lanes will be constructed at the intersection of Dublin-Granville and Ulry Roads, and a two-way left turn lane will be constructed on Dublin-Granville Road between Ulry Road and Old Hamilton Road. A shared-use path (SUP) will be added on the south side of Dublin-Granville Road and a sidewalk will be added on the north side of Dublin-Granville

Road. Work also includes traffic signal, interconnect, traffic control, lighting, and drainage improvements, and other work as may be necessary to complete the contract in accordance with the plans and specifications set forth in the Bid Submittal Documents; and

WHEREAS, Shelly & Sands, Inc. will be awarded the contract for the Intersection Improvements - Dublin-Granville Road at Ulry Road project; and

WHEREAS, the Department of Public Service requires funding to be available for the Intersection Improvements - Dublin-Granville Road at Ulry Road project for construction expenses along with construction administration and inspection services; and

WHEREAS, funds must be appropriated within the Rocky Fork TIF Fund, Fund 4421 and the Rocky Fork TIF Capital Fund, Fund 7421 and transferred between these two funds; and

WHEREAS, it is necessary for Council to authorize a transfer of funds within Fund 7438, the Preserve TIF Fund, Fund 7439, the Dublin Granville South TIF Fund, Fund 7440, the Dublin Granville North TIF Fund, and Fund 7772, the Northeast Corridor Pay as We Grow Fund, to establish sufficient cash to pay for the project; and

WHEREAS, funds must be appropriated within the Fund 7438, the Preserve TIF Fund, Fund 7439, the Dublin Granville South TIF Fund, Fund 7440, the Dublin Granville North TIF Fund, and Fund 7772, the Northeast Corridor Pay as We Grow Fund; and

WHEREAS, it is necessary to authorize expenditure of funds relative to the work for the project; and

WHEREAS, this contract opportunity was submitted to the City's Office of Diversity and Inclusion (ODI) for review and assignment of an MBE/WBE goal prior to bidding; and

WHEREAS, this contract was bid with an anticipated City of Columbus MBE/WBE Program goal of 15% as assigned by the City's Office of Diversity and Inclusion (ODI); and

WHEREAS, ODI determined that Shelly & Sands, Inc., with an MBE/WBE attainment rate of 14.39%, was the lowest most comparable bid that comes closest to meeting the MBE/WBE Program goal and should be awarded the contract; and

WHEREAS, failure by the contractor to meet this goal subjects the contractor to the Penalties for Non-Compliance;
NOW, THEREFORE,

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

SECTION 1. 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 ended December 31, 2023, the sum of \$1,012,199.31 is appropriated in Fund 4421 (Rocky Fork TIF), Dept-Div 4402 (Economic Development), in Object Class 10 (Transfer Out) per the account codes in the attachment to this ordinance.

SECTION 2. That the transfer of \$1,012,199.31 or so much thereof as may be needed, is hereby authorized from Fund 4421 (Rocky Fork TIF), Dept-Div 4402 (Economic Development) to Fund 7421 (Rocky Fork TIF Capital Fund), Dept-Div 5912 (Design and Construction) per the account codes in the attachment to this ordinance.

SECTION 3. That the transfer of \$2,537,505.39, or so much thereof as may be needed, is hereby authorized within Fund 7438 (Preserve TIF Fund), from Dept-Div 4402 (Economic Development), Project P743802-100000 (HQ-City Improvement Commitments), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P530086-100038 (Intersection Improvements - Dublin-Granville Rd at Ulry Rd), Object Class 06 (Capital Outlay) between projects per the account codes in the attachment to this ordinance.

SECTION 4. That the transfer of \$51,744.64, or so much thereof as may be needed, is hereby authorized within Fund 7439 (Dublin Granville South TIF), from Dept-Div 4402 (Economic Development), Project P743802-100000 (HQ-City Improvement Commitments), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P530086-100038 (Intersection Improvements - Dublin-Granville Rd at Ulry Rd), Object Class 06 (Capital Outlay) between projects per the account codes in the attachment to this ordinance.

SECTION 5. That the transfer of \$621,549.97, or so much thereof as may be needed, is hereby authorized within Fund 7440 (Dublin Granville North TIF), from Dept-Div 4402 (Economic Development), Project P743802-100000 (HQ-City Improvement Commitments), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P530086-100038 (Intersection Improvements - Dublin-Granville Rd at Ulry Rd), Object Class 06 (Capital Outlay) between projects per the account codes in the attachment to this ordinance.

SECTION 6. That the transfer of \$318,550.00, or so much thereof as may be needed, is hereby authorized within Fund 7772 (Northeast Corridor Pay as We Grow), from Dept-Div 4402 (Economic Development), Project P743802-100000 (HQ-City Improvement Commitments), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P530086-100038 (Intersection Improvements - Dublin-Granville Rd at Ulry Rd), Object Class 06 (Capital Outlay) between projects per the account codes in the attachment to this ordinance.

SECTION 7. 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 ended December 31, 2023, the sum of \$1,012,199.31 is appropriated in Fund 7421 (Rocky Fork TIF Capital Fund), Dept-Div 5912 (Design and Construction), Project P530086-100038 (Intersection Improvements - Dublin-Granville Rd at Ulry Road), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 8. 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 ended December 31, 2023, the sum of \$2,537,505.39 is appropriated in Fund 7438 (Preserve TIF Fund), Dept-Div 5912 (Design and Construction), Project P530086-100038 (Intersection Improvements - Dublin-Granville Rd at Ulry Road), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 9. 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 ended December 31, 2023, the sum of \$51,744.64 is appropriated in Fund 7439 (Dublin Granville South TIF), Dept-Div 5912 (Design and Construction), Project P530086-100038 (Intersection Improvements - Dublin-Granville Rd at Ulry Road), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 10. 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 ended December 31, 2023, the sum of \$621,549.97 is appropriated in Fund 7440 (Dublin Granville North TIF), Dept-Div 5912 (Design and Construction), Project P530086-100038 (Intersection Improvements - Dublin-Granville Rd at Ulry Road), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 11. 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 ended December 31, 2023, the sum of \$318,550.00 is appropriated in Fund 7772 (Northeast Corridor Pay as We Grow), Dept-Div 5912 (Design and Construction), Project P530086-100038 (Intersection Improvements - Dublin-Granville Rd at Ulry Road), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 12. That the Director of the Department of Public Service be and is hereby authorized to enter into a construction services contract with Shelly & Sands, Inc., located at 1515 Harmon Ave., Columbus, Ohio 43223, for the Intersection Improvements - Dublin-Granville Rd at Ulry Road project in the amount not to exceed \$4,128,681.21 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 \$412,868.10.

SECTION 13. That the expenditure of \$1,012,199.31, or so much thereof as may be needed, is hereby authorized in Fund 7421 (Rocky Fork TIF Capital Fund), Dept-Div 5912 (Design and Construction), Project P530086-100038 (Intersection Improvements - Dublin-Granville Rd at Ulry Road), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 14. That the expenditure of \$2,537,505.39, or so much thereof as may be needed, is hereby authorized in und 7438 (Preserve TIF Fund), Dept-Div 5912 (Design and Construction), Project P530086-100038 (Intersection Improvements - Dublin-Granville Rd at Ulry Road), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 15. That the expenditure of \$51,744.64, or so much thereof as may be needed, is hereby authorized in Fund Fund 7439 (Dublin Granville South TIF), Dept-Div 5912 (Design and Construction), Project P530086-100038 (Intersection Improvements - Dublin-Granville Rd at Ulry Road), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 16. That the expenditure of \$621,549.97, or so much thereof as may be needed, is hereby authorized in Fund 7440 (Dublin Granville North TIF), Dept-Div 5912 (Design and Construction), Project P530086-100038 (Intersection Improvements - Dublin-Granville Rd at Ulry Road), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 17. That the expenditure of \$318,550.00, or so much thereof as may be needed, is hereby authorized in Fund 7772 (Northeast Corridor Pay as We Grow), Dept-Div 5912 (Design and Construction), Project P530086-100038 (Intersection Improvements - Dublin-Granville Rd at Ulry Road), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 18. That 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 19. 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 20. 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 21. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.