



Legislation Details (With Text)

File #: 0862-2016 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 3/22/2016 **In control:** Public Service & Transportation Committee

On agenda: 4/4/2016 **Final action:** 4/5/2016

Title: To amend the 2015 Capital Improvements Budget; to authorize the Director of Public Service to enter into contract with Shelly and Sands, Inc. for the Arterial Street Rehabilitation - Hamilton Road Phase B (S Curve) project; to authorize and direct the City Auditor to appropriate and transfer \$7,805,451.82 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the expenditure of \$7,805,451.82 or so much thereof as may be necessary from Streets and Highways Bonds fund to pay for the contract; and to declare an emergency. (\$7,805,451.82)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 0862-2016 Legislation Accounting w ACDI, 2. 0862-2016 Legislation Accounting w ACDI.pdf

| Date | Ver. | Action By | Action | Result |
|----------|------|-----------------------|----------|--------|
| 4/5/2016 | 1 | CITY CLERK | Attest | |
| 4/5/2016 | 1 | MAYOR | Signed | |
| 4/4/2016 | 1 | COUNCIL PRESIDENT | Signed | |
| 4/4/2016 | 1 | Columbus City Council | Approved | Pass |

1. BACKGROUND

This legislation authorizes the Director of Public Service to enter into a contract with Shelly and Sands, Inc. for the construction of the Arterial Street Rehabilitation - Hamilton Road Phase B (S Curve) project and to provide payment for construction administration and inspection services. This improvement will be performed in the Rocky Fork/Blacklick Planning Area.

The Arterial Street Rehabilitation - Hamilton Road Phase B (S Curve) work consists of creating a new North Hamilton Road corridor from a point along the existing corridor approximately 450' north of Menerey Lane/Preserve Boulevard to East Dublin-Granville Road such that it aligns with existing North Hamilton Road from East Dublin-Granville to SR-161. North Hamilton Road will consist of two through lanes in each direction with a raised center median, a shared use path on each side, curb, street trees, street lighting, storm sewer, waterline, and new intersections where roadways or access points are planned. The existing Hamilton Road will be relocated to intersect with the southern curve in the S-curve. For the relocated section of existing Hamilton Road; new sidewalks, shared use path, street lighting, stormwater improvements will be constructed and other such 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 April 11, 2016. The project was let by the Office of Support Services through Vendor Services and Bid Express. Six bids were received on February 26, 2016 (all majority) and tabulated as follows:

| Company Name | Bid Amount | City/State | Majority/MBE/FBE |
|-------------------------------|----------------|--------------|------------------|
| Shelly and Sands | \$7,095,865.29 | Columbus, OH | Majority |
| George J. Igel & Co. | \$7,138,447.13 | Columbus, OH | Majority |
| Trucco Construction Co., Inc. | \$7,192,561.68 | Delaware, OH | Majority |

| | | | |
|--|----------------|--------------|----------|
| Nickolas M Savko & Sons | \$7,246,042.71 | Columbus, OH | Majority |
| Complete General Construction | \$8,041,812.80 | Columbus, OH | Majority |
| Park Enterprise Construction Co., Inc. | \$8,254,235.20 | Marion, OH | Majority |

Award is to be made to Shelly and Sands, Inc., as the lowest, responsive, responsible and best bidder for their bid of \$7,095,865.29. The amount of construction administration and inspection services will be \$709,586.53. The total legislated amount is \$7,805,451.82.

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

2. CONTRACT COMPLIANCE

The contract compliance number for Shelly and Sands, Inc. is 31-4351261, Vendor Number 006043, and expires 12/23/17.

3. PRE-QUALIFICATION STATUS

Shelly and 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

A SIB loan from the Ohio Department of Transportation in the amount of \$8,375,000, which is currently pending from ODOT, will be used to fund this project. Therefore, it is necessary to certify the requisite funds in the amount of \$7,805,451.82 against the Special Income Tax Fund. Upon final approval/signature of SIB Loan agreement, funds certified in the special income tax shall be transferred to Fund 7704, Streets and Highway Bond Fund, Project Number P772001-100000 Hamilton Road Phase B - SIB Loan as determined by the City Auditor. In 2018, debt service payments will be budgeted and paid from the Preserve TIF Fund, Fund 4438. In 2019 and beyond, debt service payments will be budgeted and paid from the Special Income Tax Fund, Fund 4430. The Preserve TIF Fund, Fund 4438 shall repay the Special Income Tax Fund, Fund 4430 the debt service payments associated with the SIB loan to the extent that funds are available.

5. EMERGENCY DESIGNATION

Emergency action is requested in order for the project to proceed immediately to ensure the safety of the traveling public, thereby preserving the public health, peace, property, safety and welfare.

To amend the 2015 Capital Improvements Budget; to authorize the Director of Public Service to enter into contract with Shelly and Sands, Inc. for the Arterial Street Rehabilitation - Hamilton Road Phase B (S Curve) project; to authorize and direct the City Auditor to appropriate and transfer \$7,805,451.82 from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to authorize the expenditure of \$7,805,451.82 or so much thereof as may be necessary from Streets and Highways Bonds fund to pay for the contract; and to declare an emergency. (\$7,805,451.82)

WHEREAS, the City of Columbus Department of Public Service is engaged in the Arterial Street Rehabilitation - Hamilton Road Phase B (S Curve) project; and

WHEREAS, work on this project consists of creating a new North Hamilton Road corridor from a point along the existing corridor approximately 450' north of Menerey Lane/Preserve Boulevard to East Dublin-Granville Road such that it aligns with existing North Hamilton Road from East Dublin-Granville to SR-161; and

WHEREAS, bids were received on February 26, 2016, and tabulated on February 29, 2016, for the Arterial Street Rehabilitation - Hamilton Road Phase B (S Curve) project, and a satisfactory bid has been received; and

WHEREAS, Shelly and Sands, Inc. will be awarded the contract for the Arterial Street Rehabilitation - Hamilton Road Phase B (S Curve) project; and

WHEREAS, it is necessary to provide for construction administration and inspection services; and

WHEREAS, a SIB loan from the Ohio Department of Transportation, which is currently pending from ODOT, will be used to fund this project; and

WHEREAS, it is necessary to certify the requisite funds in the amount of \$7,805,451.82 against the Special Income Tax Fund; 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 this project and will reimburse the Special Income Tax Fund; and

WHEREAS, upon final approval/signature of SIB Loan agreement, funds certified in the special income tax shall be transferred to Fund 7704, Streets and Highway Bond Fund, Project Number P772001-100000 Hamilton Road Phase B - SIB Loan as determined by the City Auditor; 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 \$8,375,000.00; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to fund this project; and

WHEREAS, in 2018, debt service payments will be budgeted and paid from the Preserve TIF Fund, Fund 4438; and

WHEREAS, in 2019 and beyond, debt service payments will be budgeted and paid from the Special Income Tax Fund, Fund 4430; and

WHEREAS, the Preserve TIF Fund, Fund 4438 shall repay the Special Income Tax Fund, Fund 4430 the debt service payments associated with the SIB loan to the extent that funds are available.; 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, Division of Design and Construction, in that it is immediately necessary to authorize the Director to enter into contract with Shelly and Sands, Inc. in order for the project to proceed immediately to ensure the safety of the traveling public, 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 enter into contract with Shelly and Sands, Inc., 1515 Harmon Avenue, Columbus, Ohio, 43223, and to expend up to \$7,805,451.82 or so much thereof as may be needed, for the purpose of paying the cost of the Arterial Street Rehabilitation - Hamilton Road Phase B (S Curve) project construction and inspection costs for the Division of Design and Construction, Dept.-Div. 59-12, from the Streets and Highways Improvements Fund, Fund 7704, as per the account codes in the attachment to this ordinance:

SECTION 2. 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 ended December 31, 2016, the sum of \$7,805,451.82 is appropriated in Fund 4430 Special Income Tax in Object Class 10 Transfer Out Operating, and in Fund 7704 Streets and Highways G.O. Bonds Fund Object Class 06 Capital Outlay per the account codes in the attachment to this ordinance.

SECTION 3. That the 2015 Capital Improvement Budget authorized by ordinance 0557-2015 be amended as follows to establish sufficient authority for this project:

Fund / Project / Project Name / Current / Change / Amended

7704 / P772011-100000 / Hamilton Road Phase B Project - SIB Loan / \$0.00 / \$7,805,452.00 / \$7,805,452.00

SECTION 4. That the transfer of \$7,805,451.82 or so much thereof as may be needed, is hereby authorized between the Special Income Tax Fund, Fund 4430, and the Streets and Highways G.O. Bonds Fund, Fund 7704, per the account codes in the attachment to this ordinance:

SECTION 5. 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 6. That upon final approval and signature of SIB Loan agreement, the amount certified in the Special Income Tax Fund shall be transferred to Fund 7704, Streets and Highways Bond Fund, Project Number P772001-100000 Hamilton Road Phase B - SIB Loan as determined by the City Auditor.

SECTION 7. That in 2018, debt service payments will be budgeted and paid from the Preserve TIF Fund, Fund 4438.

SECTION 8. That in 2019 and beyond, debt service payments will be budgeted and paid from the Special Income Tax Fund, Fund 4430.

SECTION 9. That the Preserve TIF Fund, Fund 4438 shall repay the Special Income Tax Fund, Fund 4430 the debt service payments associated with the SIB loan to the extent that funds are available.

SECTION 10. 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 11. 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 \$8,375,000.00 (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 12. 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 13. 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 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.