



## Legislation Details (With Text)

**File #:** 2607-2017      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 9/27/2017      **In control:** Public Service & Transportation Committee

**On agenda:** 10/30/2017      **Final action:** 11/2/2017

**Title:** To amend the 2017 Capital Improvement Budget; to authorize the City Auditor to transfer cash and appropriation within the Streets and Highways Bond Fund; to authorize the Director of Public Service to pay Shelly & Sands for invoices submitted in late 2015/early 2016 but not yet paid; and to declare an emergency. (\$123,437.91)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. EL016071 #9.pdf, 2. EL017118 #4.pdf, 3. Shelly & Sands Memo.pdf, 4. ORD 2607-2017 Accounting Template

Date	Ver.	Action By	Action	Result
11/2/2017	1	CITY CLERK	Attest	
11/1/2017	1	MAYOR	Signed	
10/30/2017	1	COUNCIL PRESIDENT	Signed	
10/30/2017	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND:

This legislation authorizes payment to Shelly & Sands, Inc., in the amount of \$123,437.91 for invoices submitted to Public Service at the end of 2015/early 2016 but not paid.

At the end of 2015/early 2016, the Public Service Department was engaged in the UIRF - Bar Harbor Road Sidewalks project and the Resurfacing - Resurfacing 2014 Project 4 project. Shelly & Sands had been awarded both contracts through the City's bid process. Construction payment estimate #4 was submitted for the UIRF - Bar Harbor Road Sidewalks project (PO # EL017118 in the amount of \$10,325.08) and construction payment estimate #9 was submitted for the Resurfacing - Resurfacing 2014 Project 4 project (PO #EL016071 in the amount of \$113,112.83). Shelly & Sands has reported they have not received payment for either estimate.

At the end of 2015/early 2016 the City was also engaged in implementing a new financials system, transitioning from the Performance system to the DAX system. The fiscal section of the Department of Public Service, along with the City Auditor's office, recently searched both systems to determine if payment was made to Shelly & Sands for this work. No payment has been issued to Shelly & Sands from either system for these construction pay estimates.

Not knowing that payments had been missed for some of the work, the Department of Public Service closed out both projects when they were completed. It is necessary to re-establish funds for the payments for the aforementioned projects in order to compensate Shelly & Sands for the work they performed but for which they were not paid.

### 2. FISCAL IMPACT:

Funds for this project are available within the Streets and Highways Bond Fund. Amendment to the 2017 Capital Improvements Budget is necessary to establish sufficient cash and budget authority in the proper projects.

### 3. CONTRACT COMPLIANCE:

The contract compliance number for Shelly & Sands is CC51261-135227, Vendor No. 006043, and expires on December 23, 2017.

#### 4. EMERGENCY DESIGNATION

Public Service is requesting emergency designation to be able to pay Shelly & Sands as soon as possible for the missed payments.

To amend the 2017 Capital Improvement Budget; to authorize the City Auditor to transfer cash and appropriation within the Streets and Highways Bond Fund; to authorize the Director of Public Service to pay Shelly & Sands for invoices submitted in late 2015/early 2016 but not yet paid; and to declare an emergency. (\$123,437.91)

**WHEREAS**, the City of Columbus was engaged in the UIRF - Bar Harbor Road Sidewalks and the Resurfacing - Resurfacing 2014 Project 4 projects; and

**WHEREAS**, Shelly & Sands has notified Public Service they have not been paid for all work performed on the above projects; and

**WHEREAS**, the Department of Public Service and the City Auditor's office has searched electronic and paper records and cannot find evidence of payments made for the two payments Shelly & Sands states they did not receive; and

**WHEREAS**, Shelly & Sands is still owed \$123,437.91 for work performed; and

**WHEREAS**, both projects have been completed and Public Service closed out both projects not knowing that payments were missing; and

**WHEREAS**, it is necessary to re-establish funds to make the payments owed to Shelly & Sands; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to compensate Shelly & Sands for work performed over eighteen months ago, 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 2017 Capital Improvements Budget authorized by ordinance 1124-2017 be amended as follows to establish sufficient authority for this project:

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

7704 / P440005 - 100000 / Urban Infrastructure Recovery Fund (59-12) (Unvoted Carryover) / \$982,774.00 / (\$10,326.00) / \$972,448.00

7704 / P530058 - 100000 / 59-03 NCR (Voted Carryover) / \$1,743,051.00 / (\$113,113.00) / \$1,629,938.00

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

7704 / P440005-100039 / UIRF - Bar Harbor Road Sidewalks (Unvoted Carryover) / \$0.00 / \$10,326.00 / \$10,326.00

7704 / P530282 - 952014 / Resurfacing - Resurfacing 2014 Project 4 (Voted Carryover) / \$0.00 / \$113,113.00 / \$113,113.00

**SECTION 2.** That the transfer of \$123,437.91, or so much thereof as may be needed, is hereby authorized between projects within Fund 7704 Streets and Highways Bond Fund per the account codes in the attachment to this ordinance.

**SECTION 3.** That the Director of Public Service be and hereby is authorized to pay invoices from Shelly & Sands, Inc., submitted in late 2015/early 2016 for work on the UIRF - Bar Harbor Road Sidewalks and for the Resurfacing - Resurfacing 2014 Project 4 projects but not previously paid.

**SECTION 4.** That the expenditure of \$123,437.91, or so much thereof as may be needed, is hereby authorized in Fund 7704 Street and Highway Bonds Fund in object class 06 Capital Outlay per the accounting codes in the attachment to this ordinance.

**SECTION 5.** 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 6.** 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 7.** 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 8.** That for the reasons stated in this ordinance's preamble, which are made a part of this ordinance, this ordinance is declared to be an emergency measure and is effective and in force from and after its passage and approval by the Mayor or ten days after its passage if the Mayor neither approves nor vetoes this ordinance.