



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 9/2/2021 **In control:** Public Service & Transportation Committee

On agenda: 9/27/2021 **Final action:** 9/29/2021

Title: To amend the 2020 Capital Improvements Budget; to authorize the transfer of funds and appropriation between projects within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into a contract modification with Shelly & Sands, Inc. in connection with the Resurfacing - 2021 Project 0 project; to authorize the expenditure of up to \$3,067,070.10 from the Streets and Highways Bond Fund; and to declare an emergency. (\$3,067,070.10)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD 2333-2021 Accounting Template.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|----------|--------|
| 9/29/2021 | 1 | CITY CLERK | Attest | |
| 9/28/2021 | 1 | MAYOR | Signed | |
| 9/27/2021 | 1 | COUNCIL PRESIDENT | Signed | |
| 9/27/2021 | 1 | Columbus City Council | Approved | Pass |

1. BACKGROUND

This legislation authorizes the Director of Public Service to modify and increase an existing contract with Shelly & Sands, Inc. for the Resurfacing - 2021 Project 0 project in an amount up to \$2,811,480.10.

Ordinance 0764-2021 authorized the Director of Public Service to enter into a contract with Shelly & Sands, Inc. for the construction of the Resurfacing - 2021 Project 0 project and to provide for construction administration and inspection services.

The work performed to date for this project consists of repairing and resurfacing 64 city streets and constructing 157 ADA curb ramps along those streets. The work consists of milling the existing pavement, overlaying with new asphalt concrete, and replacing curb and sidewalk associated with installing ADA wheelchair ramps. Where warranted, the plans also called for areas of full depth pavement repair. This project also includes the removal of existing parking meter posts in designated areas and the installation of concrete foundations for the installation of parking kiosks.

The work for modification one will consist of the reconstruction of Dividend Drive from Diplomacy Drive to Equity Drive, and other such work as may be necessary to complete the contract. The construction cost of this modification is \$2,811,480.10 and the amount of construction administration and inspection services will be \$255,590.00. The total legislated amount for this modification is \$3,067,070.10.

| | | |
|--|------------------------|----------------------------|
| The original contract amount, no inspection: | \$ 7,804,268.22 | (PO270114, Ord. 0764-2021) |
| The total of Modification No. 1, no inspection: | <u>\$ 2,811,480.10</u> | (This Ordinance) |
| The contract amount including all modifications: | \$10,615,748.32 | |

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

2. UNPLANNED MODIFICATION

This is an unplanned modification that is necessary to cover the cost of reconstructing Dividend Drive. The construction plans were ready for advertisement in 2007 but were delayed due to a lack of funding. The street has deteriorated to the point of necessary reconstruction which was not originally anticipated. To bid this part of the work would delay the project further and allow for additional deterioration of the road requiring additional cost for repairs. It was deemed to be more cost efficient to modify the existing contract than to bid this part of the work.

3. CONTRACT COMPLIANCE

The contract compliance number for Shelly & Sands, Inc. is CC006043 and expires 02/21/22.

4. PRE-QUALIFICATION STATUS

Shelly & 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.

5. FISCAL IMPACT

Funding in the amount of \$3,067,070.10 is available within the Streets and Highways Bond Fund within the Department of Public Service. An amendment to the 2020 Capital Improvements Budget and a transfer of funds and appropriation are necessary to align funding for these project expenditures.

6. EMERGENCY DESIGNATION

Emergency action is requested to prevent unnecessary delays in the completion of modification one for the Resurfacing - 2021 Project 0 project to facilitate the completion of planned improvements in a timely manner, to ensure the safety of the traveling public.

To amend the 2020 Capital Improvements Budget; to authorize the transfer of funds and appropriation between projects within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into a contract modification with Shelly & Sands, Inc. in connection with the Resurfacing - 2021 Project 0 project; to authorize the expenditure of up to \$3,067,070.10 from the Streets and Highways Bond Fund; and to declare an emergency. (\$3,067,070.10)

WHEREAS, contract no. PO270114 with Shelly & Sands, Inc., in the amount of \$7,804,268.22, was authorized by ordinance no. 0764-2021; and

WHEREAS, it has become necessary to modify the contract in an amount up to \$2,811,480.10 for the purpose of performing additional construction work in the Resurfacing - 2021 Project 0 projects; and

WHEREAS, it is necessary to provide for contract payment for that project; and

WHEREAS, it is necessary to amend the 2020 Capital Improvement Budget and transfer cash and appropriation to align funding for project expenditures; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the Director to enter into a contract modification with Shelly & Sands, Inc. to prevent delays in the construction schedule, 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 2020 Capital Improvements Budget authorized by Ordinance 2521-2020 be amended to establish sufficient authority for this project:

Fund / Project / Project Name / Current C.I.B. / Amendment Amount / C.I.B. as Amended

7704 / P530282-100000 / 59-03 Resurfacing (Voted Carryover) / \$0.00 / \$1,536,700.00 / \$1,536,700.00 (to match cash)

7704 / P530104-100004 / Alley Rehabilitation - Misc. (Voted Carryover) / \$237,620.00 / (\$237,620.00) / \$0.00

7704 / P530161-100071 / Roadway Improvements - Miscellaneous Construction Inspection (Voted 2019 SIT Supported) / \$301,861.00 / (\$201,861.00) / \$100,000.00

7704 / P530161-100085 / Roadway Improvements - Westbelt (Dividend Dr - Diplomacy to Equity) (Voted Carryover) / \$195,917.00 / (\$195,917.00) / \$0.00

7704 / P530086-100035 / Intersection Improvements - James Road at Livingston Avenue (Voted Carryover) / \$748,735.00 / (\$491,378.00) / \$257,357.00

7704 / P531034-100000 / Roadway - Sullivant Ave - Hague to I70 (Voted 2019 SIT Supported) / \$7,866,781.00 / (\$403,595.00) / \$7,463,186.00

7704 / P530282-100000 / 59-03 Resurfacing (Voted Carryover) / \$1,536,700.00 / (\$1,536,700.00) / \$0.00

7704 / P530282-902021 / Resurfacing - 2021 Project 0 (Voted Carryover) / \$0.00 / \$2,461,615.00 / \$2,461,615.00

7704 / P530282-902021 / Resurfacing - 2021 Project 0 (Voted 2019 SIT Supported) / \$8,506,652.00 / \$605,456.00 / \$9,112,108

SECTION 2. That the transfer of \$237,619.98 or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5912 (Design and Construction), Project P530104-100004 (Alley Rehabilitation - Misc.), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), P530282-902021 (Resurfacing - 2021 Project 0), Object Class 06 (Capital Outlay) per the account codes attached to this ordinance.

SECTION 3. That the transfer of \$201,861.00 or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5912 (Design and Construction), Project P530161-100071 (Roadway Improvements - Miscellaneous Construction Inspection), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), P530282-902021 (Resurfacing - 2021 Project 0), Object Class 06 (Capital Outlay) per the account codes attached to this ordinance.

SECTION 4. That the transfer of \$195,917.00 or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5912 (Design and Construction), Project P530161-100085 (Roadway Improvements - Westbelt (Dividend Dr - Diplomacy to Equity), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), P530282-902021 (Resurfacing - 2021 Project 0), Object Class 06 (Capital Outlay) per the account codes attached to this ordinance.

SECTION 5. That the transfer of \$491,378.00 or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5913 (Traffic Management), Project P530086-100035 (Intersection Improvements - James Road at Livingston Avenue), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), P530282-902021 (Resurfacing - 2021 Project 0), Object Class 06 (Capital Outlay) per the account codes attached to this ordinance.

SECTION 6. That the transfer of \$403,594.93 or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5912 (Design and Construction), Project P531034-100000 (Roadway - Sullivant Ave - Hague to I70), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), P530282-902021 (Resurfacing - 2021 Project 0), Object Class 06 (Capital Outlay) per the account codes attached to this ordinance.

SECTION 7. That the Director of Public Service be and hereby is authorized to enter into a contract modification with Shelly & Sands, Inc., located at 1515 Harmon Avenue, Columbus, Ohio 43223, for the Resurfacing - 2021 Project 0 project in the amount of \$2,811,480.10, or so much thereof as may be needed, in accordance with the plans and specifications on file in the Department of Public Service, which are hereby approved.

SECTION 8. That the expenditure of \$3,067,070.10 or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5912 (Design and Construction), Project P530282-902021 (Resurfacing - 2021 Project 0), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this

ordinance.

SECTION 9. 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 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 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 12. 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.