



## Legislation Details (With Text)

**File #:** 2761-2022      **Version:** 1

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

**File created:** 10/3/2022      **In control:** Public Service & Transportation Committee

**On agenda:** 11/7/2022      **Final action:** 11/10/2022

**Title:** To amend the 2022 Capital Improvement budget; to authorize the transfer of funds within the Streets and Highways Bond Fund and the Sidewalk Assessment Fund; to appropriate funds within the Sidewalk Assessment Fund; to authorize the Director of Public Service to enter into contract with Decker Construction Company for the Pedestrian Safety Improvement - Sidewalk Program 2022 project; to authorize the expenditure of up to \$328,752.92 from the Streets and Highways Bond Fund and the Sidewalk Assessment Fund for the project; and to declare an emergency. (\$328,752.92)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 2761-2022 MWBE Goal.pdf, 2. 2761-2022 template revised.pdf

Date	Ver.	Action By	Action	Result
11/10/2022	1	CITY CLERK	Attest	
11/9/2022	1	MAYOR	Signed	
11/7/2022	1	COUNCIL PRESIDENT PRO-TEM	Signed	
11/7/2022	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

This ordinance authorizes the Director of Public Service to enter into contract with Decker Construction Company for the Pedestrian Safety Improvement - Sidewalk Program 2022 project and to provide payment for construction, construction administration and inspection services.

The work for this project consists of removing and replacing damaged sidewalk, curb, and driveway apron within the public right-of-way at various locations throughout the City of Columbus 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. These locations could be business or residential properties.

The estimated Notice to Proceed date is November 4, 2022. The project was let by the Office of Support Services through Vendor Services and Bid Express. Two bids were received on August 4, 2022, and tabulated as follows:

<u>Company Name</u>	<u>Bid Amount</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Decker Construction Company	\$285,872.10	Columbus, OH	Majority
Axis Civil Construction LLC	\$527,959.30	Gahanna, OH	Majority

Award is to be made to Decker Construction Company as the lowest responsive and responsible and best bidder for their bid of \$285,872.10. The amount of construction administration and inspection services will be \$42,880.82. The total legislated amount is \$328,752.92.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Decker Construction Company.

## 2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Decker Construction Company is CC004549 and expires 12/2/2023.

## 3. PRE-QUALIFICATION STATUS

Decker Construction Company and all proposed subcontractors have met code requirements with respect to pre-qualification, pursuant to relevant sections of Columbus City Code Chapter 329.

## 4. FISCAL IMPACT

Funding in the amount of \$245,934.17 is available for this project in the Sidewalk Assessment Fund, Fund 7726. It is necessary to appropriate these funds and do a transfer to align cash with the proper project.

Funding in the amount of \$82,818.75 is available and appropriated in the Streets and Highway Bond Funds, Fund 7704. An amendment to the 2022 Capital Improvement Budget and a transfer of cash and appropriation is necessary to align spending with the proper project.

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

This contract was bid with an anticipated City of Columbus MBE/WBE Program goal of 13.00% as assigned by the City's Office of Diversity and Inclusion (ODI). After ODI's review of the Utilization Plan and other related information the contractor submitted with their bid response, ODI has approved an MBE/WBE Program goal of 11.42% for this contract. 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.

## 5. EMERGENCY DESIGNATION

Emergency action is requested due to the short length of the construction season in order to complete needed sidewalk repairs and other improvements within the public right-of-way at the earliest possible time to ensure the safety of the travelling public.

To amend the 2022 Capital Improvement budget; to authorize the transfer of funds within the Streets and Highways Bond Fund and the Sidewalk Assessment Fund; to appropriate funds within the Sidewalk Assessment Fund; to authorize the Director of Public Service to enter into contract with Decker Construction Company for the Pedestrian Safety Improvement - Sidewalk Program 2022 project; to authorize the expenditure of up to \$328,752.92 from the Streets and Highways Bond Fund and the Sidewalk Assessment Fund for the project; and to declare an emergency. (\$328,752.92)

**WHEREAS**, the Department of Public Service is engaged in the Pedestrian Safety Improvement - Sidewalk Program 2022 project; and

**WHEREAS**, the work for this project consists of repair or replacement of damaged or deteriorated sidewalk, drive approach, or curb within the public right-of-way at various pre-determined locations throughout the City; and

**WHEREAS**, Decker Construction Company will be awarded the contract for the Pedestrian Safety Improvement - Sidewalk Program 2022 project; and

**WHEREAS**, the Department of Public Service requires funding to be available for the Pedestrian Safety Improvement - Sidewalk Program 2022 project for construction expense along with construction administration and inspection services; and

**WHEREAS**, it is necessary to amend the 2022 Capital Improvement Budget to establish authority within the correct project; and

**WHEREAS**, it is necessary for Council to authorize a transfer of funds within Fund 7704, the Streets and Highways

Bond Fund and Fund 7726, Sidewalk Assessment Fund, to establish sufficient cash to pay for the project; and

**WHEREAS**, funds must be appropriated within the Sidewalk Assessment Fund; 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 13.00% as assigned by the City's Office of Diversity and Inclusion (ODI); and

**WHEREAS**, after ODI's review of the Utilization Plan and other related information the contractor submitted with their bid response, ODI has approved an MBE/WBE Program goal of 11.42% for this contract; and

**WHEREAS**, failure by the contractor to meet this goal subjects the contractor to the Penalties for Non-Compliance; 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 of Public Service to enter into contract with Decker Construction Company due to the short length of the construction season in order to complete needed sidewalk repairs and other improvements within the public right-of-way at the earliest possible time to ensure the safety of the travelling 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 2022 Capital Improvements Budget authorized by ordinance 1896-2022 be amended as follows to establish sufficient authority for this project:

Fund / Project / Project Name / C.I.B. / Change / C.I.B. as Amended

7704 / P530210-100015 / Curb Reconstruction - Citywide Curb Rehabilitation Program (Voted Carryover) / \$381,312.00 / (\$82,819.00) / \$298,493.00

7704 / P590105-100132 / Pedestrian Safety Improvements- Sidewalk Program 2022 (Voted Carryover) / \$0.00 / \$82,819.00 / \$82,819.00

**SECTION 2.** That the transfer of \$135,862.55, or so much thereof as may be needed, is hereby authorized within Fund 7726 (Sidewalk Assessment Fund), from Dept-Div 5911 (Infrastructure Management), Project P772601-100000 (Sidewalk Special Assessments) to Dept-Div 5911 (Infrastructure Management), Project P590105-100132 (Pedestrian Safety Improvement - Sidewalk Program 2022), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 3.** That the transfer of \$82,243.96, or so much thereof as may be needed, is hereby authorized within Fund 7726 (Sidewalk Assessment Fund), from Dept-Div 5911 (Infrastructure Management), Project P772602-100000 (Sidewalk Special Non-Assessments) to Dept-Div 5911 (Infrastructure Management), Project P590105-100132 (Pedestrian Safety Improvement - Sidewalk Program 2022), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 4.** That the transfer of \$27,827.66, or so much thereof as may be needed, is hereby authorized within Fund 7726 (Sidewalk Assessment Fund), from Dept-Div 5911 (Infrastructure Management), Project P539001-100000 (Pedestrian Safety Improvements - Sidewalk NOV Program 2016) to Dept-Div 5911 (Infrastructure Management), Project P590105-100132 (Pedestrian Safety Improvement - Sidewalk Program 2022), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 5.** 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, 2022, the sum of

\$218,106.51 is appropriated in Fund 7726 (Sidewalk Assessment Fund), Dept-Div 5911 (Infrastructure Management), Project P590105-100132 (Pedestrian Safety Improvement - Sidewalk Program 2022), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 6.** That the transfer of \$82,818.75, 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 P530210-100015 (Curb Reconstruction - Citywide Curb Rehabilitation Program) to Dept-Div 5911 (Infrastructure Management), Project P590105-100132 (Pedestrian Safety Improvement - Sidewalk Program 2022), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 7.** That the Director of Public Service be and is hereby authorized to enter into a construction services contract with Decker Construction Company located at 3042 McKinley Avenue, Columbus, Ohio 43204, for the Pedestrian Safety Improvement - Sidewalk Program 2022 project in the amount of up to \$285,872.10 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 \$42,880.82.

**SECTION 8.** That the expenditure of \$245,934.17, or so much thereof as may be needed, is hereby authorized in Fund 7726 (Sidewalk Assessment Fund), from Dept-Div 5911 (Infrastructure Management), Project P590105-100131 (Pedestrian Safety Improvement - Sidewalk Program 2022), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 9.** That the expenditure of \$82,818.75, or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5911 (Infrastructure Management), Project P590105-100132 (Pedestrian Safety Improvement - Sidewalk Program 2022), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 10.** 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 11.** 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 12.** 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 13.** 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.