



Legislation Details (With Text)

File #: 0592-2023 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 2/14/2023 **In control:** Public Service & Transportation Committee

On agenda: 3/6/2023 **Final action:** 3/8/2023

Title: To amend the 2022 Capital Improvement Budget; to authorize and direct the City Auditor to appropriate and transfer funds from the Special Income Tax Fund to the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into contract with Kokosing Construction Company, Inc. for the Resurfacing 2023 Project 1 project; to authorize the expenditure of up to \$9,764,509.37 from the Streets and Highways Bond Fund, and to declare an emergency. (\$9,764,509.37)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 0592-2023 Accounting Template.pdf, 2. Ord 0592-2023 Attachment.pdf

| Date | Ver. | Action By | Action | Result |
|----------|------|-----------------------|----------|--------|
| 3/8/2023 | 1 | CITY CLERK | Attest | |
| 3/7/2023 | 1 | MAYOR | Signed | |
| 3/6/2023 | 1 | COUNCIL PRESIDENT | Signed | |
| 3/6/2023 | 1 | Columbus City Council | Approved | Pass |

1. BACKGROUND

This ordinance authorizes the Director of Public Service to enter into contract with Kokosing Construction Company, Inc. for the Resurfacing 2023 Project 1 and to provide payment for construction, construction administration and inspection services.

This contract consists of repairing and resurfacing 59 city streets and constructing 197 ADA curb ramps along those streets. The work for which consists of: milling the existing pavement, overlaying with new asphalt concrete, minor curb replacement, and replacing curb and sidewalk associated with installing ADA wheelchair ramps. Where warranted, the plans also call for areas of full depth pavement repair, 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 April 20, 2023. The project was let by the Office of Support Services through Vendor Services and Bid Express. Four bids were received on February 7, 2023, (all majority) and tabulated as follows:

| Company Name | Bid Amount | City/State | Majority/MBE/FBE |
|---------------------------|-----------------|----------------|------------------|
| Kokosing Construction Co. | \$8,958,265.48 | Columbus, Ohio | MAJ |
| Strawser Paving Co. | \$9,721,218.36 | Columbus, Ohio | MAJ |
| Decker Construction Co. | \$10,357,768.49 | Columbus, Ohio | MAJ |
| Shelly & Sands, Inc. | \$10,969,610.66 | Columbus, Ohio | MAJ |

Award is to be made to Kokosing Construction Company, Inc. as the lowest responsive and responsible and best bidder for their bid of \$8,958,265.48. The amount of construction administration and inspection services will be \$806,243.89. The total legislated amount is \$9,764,509.37.

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

2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Kokosing Construction Company, Inc. is CC004610 and expires 3/3/24.

3. PRE-QUALIFICATION STATUS

Kokosing Construction Company, Inc. 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

Budget authority for this 2023 resurfacing project is in the 2022 Capital Improvement Budget and cash for the resurfacing work is expected to be in the 2022 Bond Sale. The funds will not be available to Public Service until the proceeds of the 2022 bond sale are available. Therefore, it is necessary to certify funds in the amount of \$9,764,509.37 against the Special Income Tax Fund, Fund 4430. An amendment to the 2022 Capital Improvements Budget is required to match cash received from the Special Income Tax Fund and also to establish sufficient budget authority for this project. Funds will need to be appropriated within the Special Income Tax fund and then transferred to the Streets and Highways Bond Fund where they will also 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 8% by the City's Office of Diversity and Inclusion (ODI). 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.

6. EMERGENCY DESIGNATION

Emergency action is requested in order to complete needed improvements at the earliest possible time to ensure the safety of the traveling public.

To amend the 2022 Capital Improvement Budget; to authorize and direct the City Auditor to appropriate and transfer funds from the Special Income Tax Fund to the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into contract with Kokosing Construction Company, Inc. for the Resurfacing 2023 Project 1 project; to authorize the expenditure of up to \$9,764,509.37 from the Streets and Highways Bond Fund, and to declare an emergency. (\$9,764,509.37)

WHEREAS, the Department of Public Service is engaged in the Resurfacing 2023 Project 1; and

WHEREAS, the work for this project consists of repairing and resurfacing 59 city streets and constructing 197 ADA curb ramps along those streets. The work for which consists of: milling the existing pavement, overlaying with new asphalt concrete, minor curb replacement, and replacing curb and sidewalk associated with installing ADA wheelchair ramps. Where warranted, the plans also call for areas of full depth pavement repair, 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, Kokosing Construction Company, Inc. will be awarded the contract for the Resurfacing 2023 Project 1 project; and

WHEREAS, the Department of Public Service requires funding to be available for the Resurfacing 2023 Project 1 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, 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 assigned City of Columbus MBE/WBE Program goal of 8% by the City's Office of Diversity and Inclusion (ODI); and

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

WHEREAS, funds will need to be appropriated within Fund 4430 (Special Income Tax) and within Fund 7704 (Streets and Highways Bond Fund); and

WHEREAS, funds will need to be transferred from the Special Income Tax Fund to the Streets and Highways Bond Fund; and

WHEREAS, the City will reimburse the Special Income Tax Fund; 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 \$9,764,509.37; 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 in that it is immediately necessary to authorize the Director to enter into contract with Kokosing Construction Company, Inc. 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 2022 Capital Improvements Budget authorized by ordinance 1896-2022 be amended as follows to establish sufficient authority for this project:

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

7704 / P530282-100051 / Resurfacing - Resurfacing Projects (Voted 2019 SIT Supported) / \$16,900,000.00 / (\$6,986,947.00) / \$9,913,053.00

7704 / P530282-922022 / Resurfacing - 2022 Project 2 (Voted 2019 SIT Supported) / \$0 / \$6,986,947.00 / \$6,986,947.00

7704 / P530282-100051 / Resurfacing - Resurfacing Projects (Voted 2019 SIT Supported) / \$9,913,053.00 / (\$9,764,510.00) / \$148,543.00

7704 / P530282-912023 / Resurfacing - 2023 Project 1 (Voted 2019 SIT Supported) / \$0.00 / \$9,764,510.00 / \$9,764,510.00

SECTION 2. 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 \$9,764,509.37 is appropriated in Fund 4430 (Special Income Tax), Dept-Div 2201 (City Auditor), in Object Class 10 (Transfer Out) per the account codes in the attachment to this ordinance.

SECTION 3. That the transfer of \$9,764,509.37, or so much thereof as may be needed, is hereby authorized from Fund 4430 (Special Income Tax), Dept-Div 2201 (City Auditor) to Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5911 (Infrastructure Management) per the account codes in the attachment to this ordinance.

SECTION 4. 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 \$9,764,509.37 is appropriated in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5911 (Infrastructure Management), Project P530282-912023 (Resurfacing - 2023 Project 1), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 5. That the Director of Public Service be and is hereby authorized to enter into a construction services contract with Kokosing Construction Company, Inc., 6235 Westerville Road, Westerville, OH 43081, for the Resurfacing 2023 Project 1 project in the amount of up to \$ 8,958,265.48 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 \$806,243.89.

SECTION 6. That the expenditure of \$9,764,509.37, or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5911 (Infrastructure Management), Project P530282-912023 (Resurfacing - 2023 Project 1), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 7. That the monies appropriated in the foregoing Section 2 and Section 4 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 8. That upon obtaining other funds for this project for the Department of Public Service, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 3.

SECTION 9. 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 \$9,764,509.37 (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 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.

