



## Legislation Details (With Text)

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|-----------------------|---|----------------------|---|
| <b>File #:</b>        | 1161-2023   | <b>Version:</b>      | 1   |
| <b>Type:</b>          | Ordinance   | <b>Status:</b>       | Passed                                    |
| <b>File created:</b>  | 4/11/2023   | <b>In control:</b>   | Public Service & Transportation Committee |
| <b>On agenda:</b>     | 5/15/2023   | <b>Final action:</b> | 5/18/2023                                 |
| <b>Title:</b>         | To amend the 2022 Capital Improvement budget; to authorize the transfer of funds within the Streets and Highways Bond Fund and Public Service Taxable Bonds Fund; 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 appropriate funds within the Streets and Highways Imp NonBond Fund and OPWC Grants and Loans Fund; to authorize the Director of Public Service to enter into contract with Complete General Construction for the Roadway - Front Street and Marconi Boulevard project; to authorize the expenditure of up to \$13,904,226.91 from the Streets and Highways Bond Fund, OPWC Grants and Loans Fund, Streets and Highways Imp NonBond Fund and Public Service Taxable Bonds Fund for the project; to repay any unused grant funds at the end of the grant period; and to declare an emergency. (\$13,904,226.91) |                      |   |
| <b>Sponsors:</b>      |   |                      |   |
| <b>Indexes:</b>       | MBE Participation, WBE Participation  |                      |   |
| <b>Code sections:</b> |   |                      |   |
| <b>Attachments:</b>   | 1. Ord 1161-2023 Subs.pdf, 2. Ord. 1161-2023 Front and Marconi.pdf, 3. Ord. 1161-2023 Location Map.pdf  |                      |   |

| Date      | Ver. | Action By             | Action   | Result |
|-----------|------|-----------------------|----------|--------|
| 5/18/2023 | 1    | CITY CLERK            | Attest   |        |
| 5/17/2023 | 1    | MAYOR                 | Signed   |        |
| 5/15/2023 | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 5/15/2023 | 1    | Columbus City Council | Approved | Pass   |

### 1. BACKGROUND

This ordinance authorizes the Director of Public Service to enter into contract with Complete General Construction for the Roadway - Front Street and Marconi Boulevard project and to provide payment for construction, construction administration and inspection services.

This project consists of converting Front Street from Broad Street to Hickory Street and Marconi Boulevard from Broad Street to Spring Street to two-way operation. All signals will be upgraded within the project limits to decorative downtown standard. Project includes installation of new granite curb, buff wash sidewalk, street and pedestrian lighting, enhanced pedestrian crossings and landscaping beds 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.

Ordinance 2223-2021 authorized the Director of Public Service, on behalf of the City of Columbus, to submit applications to and execute grant agreements with the Ohio Public Works Commission relative to the Local Transportation Improvement Program and State Capital Improvement Program. The ordinance also authorized the Director of Public Service to accept and expend awarded grant funds, and issue refunds, if necessary, for the Roadway - Front Street and Marconi Boulevard project.

The estimated Notice to Proceed date is May 12, 2023. The project was let by the Office of Support Services through Vendor Services and Bid Express. Three bids were received on March 30, 2023, (all majority) and tabulated as follows:

| <u>Company Name</u>           | <u>Bid Amount</u> | <u>City/State</u>  | <u>Majority/ODI Certification</u> |
|-------------------------------|-------------------|--------------------|-----------------------------------|
| Complete General Construction | \$12,874,284.18   | Columbus, Ohio     | Majority                          |
| Danbert Electric Corp         | \$14,271,525.72   | Columbus, Ohio     | Majority                          |
| Sunesis Construction Corp     | \$16,323,796.74   | West Chester, Ohio | Majority                          |

Award is to be made to Complete General Construction as the lowest responsive and responsible and best bidder for their bid of \$12,874,284.18. The amount of construction administration and inspection services will be \$1,029,942.73. The total legislated amount is \$13,904,226.91.

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

As part of their bid Complete General Construction Company has proposed the following subcontractors to work on the project:

| <u>Company Name</u>            | <u>City/State</u> | <u>Majority/ODI Certification</u> |
|--------------------------------|-------------------|-----------------------------------|
| Strawser Paving Company        | Columbus, Ohio    | MAJ                               |
| Environmental Management, Inc. | Dublin, Ohio      | MAJ                               |
| Griffin Pavement Striping      | Columbus, Ohio    | MAJ                               |
| Bridge Bros Trucking, LLC      | Columbus, Ohio    | MBE                               |
| Goldtech (Supplier)            | Columbus, Ohio    | MBE                               |

## **2. CONTRACT COMPLIANCE INFORMATION**

The contract compliance number for Complete General Construction is CC006056 and expires 06/08/2023.

## **3. PRE-QUALIFICATION STATUS**

Complete General Construction 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**

An award from the Ohio Public Works Commission will partially fund this project through a reimbursable budgeted expense of \$4,428,298.00 within the OPWC Grants and Loans, Fund 7763. Funds will need to be appropriated.

Funds in the amount of \$1,000,000.00 are available in the Streets and Highways Imp NonBond Fund, Fund 7766. An amendment to the 2022 Capital Improvement Budget is necessary to align spending with the proper project. Funds will need to be appropriated.

Funding in the amount of \$1,739,040.86 is available and appropriated within the Public Service Taxable Bonds Fund, Fund 7708. An amendment to the 2022 Capital Improvement Budget and a transfer of cash is necessary to align spending with the proper project.

Additional funding in the amount of \$575,768.05 is available and appropriated within the Streets and Highways Bond Fund, Fund 7704. An amendment to the 2022 Capital Improvement Budget and a transfer of cash is necessary to align spending with the proper project.

The balance of funding for the Public Service contribution portion of this project is budgeted within the 2022 Capital Improvements Budget, which has been approved by Council under Ordinance 1896-2022. The funds will not be available to Public Service until the proceeds of the bond sale are available later this year. Therefore, it is necessary to certify the Public Service funds in the amount of \$6,161,120.00 against the Special Income Tax Fund. 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 12% as provided by the 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 7.75% 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.

## **6. EMERGENCY DESIGNATION**

Emergency action is requested in order to complete needed improvements at the earliest possible time and meet the requirements of the start date for the Ohio Public Works Commission funding award to avoid penalty and to ensure the safety of the traveling public.

To amend the 2022 Capital Improvement budget; to authorize the transfer of funds within the Streets and Highways Bond Fund and Public Service Taxable Bonds Fund; 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 appropriate funds within the Streets and Highways Imp NonBond Fund and OPWC Grants and Loans Fund; to authorize the Director of Public Service to enter into contract with Complete General Construction for the Roadway - Front Street and Marconi Boulevard project; to authorize the expenditure of up to \$13,904,226.91 from the Streets and Highways Bond Fund, OPWC Grants and Loans Fund, Streets and Highways Imp NonBond Fund and Public Service Taxable Bonds Fund for the project; to repay any unused grant funds at the end of the grant period; and to declare an emergency. (\$13,904,226.91)

**WHEREAS**, the Department of Public Service is engaged in the Roadway - Front Street and Marconi Boulevard project; and

**WHEREAS**, the work for this project consists of converting Front Street from Broad Street to Hickory Street and Marconi Boulevard from Broad Street to Spring Street to two-way operation. All signals will be upgraded within the project limits to decorative downtown standard. Project includes installation of new granite curb, buff wash sidewalk, street and pedestrian lighting, enhanced pedestrian crossings and landscaping beds; 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**, Complete General Construction will be awarded the contract for the Roadway - Front Street and Marconi Boulevard project; and

**WHEREAS**, the Department of Public Service requires funding to be available for the Roadway - Front Street and Marconi Boulevard project for construction expense along with construction administration and inspection services; and

**WHEREAS**, Ohio Public Works Commission grant and loan funds will be used to pay for a portion of this project; 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 within Fund 7708, the Public Service Taxable Bonds Fund to establish sufficient cash to pay for the project; and

**WHEREAS**, funds must be appropriated within the the Special Income Tax Fund, Fund 4430, OPWC Grants and Loans Fund, Fund 7763 and the Streets and Highways Imp NonBond Fund, Fund 7766; 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 12% as provided by

the City's Office of Diversity and Inclusion (ODI) and 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 7.75% for this contract; and

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

**WHEREAS**, it is necessary to transfer funds from the Special Income Tax Fund to fund this project; 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 \$6,161,120.00; 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 enter into contract with Complete General Construction 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**

7766 / P531059-100000 / Roadway - Front Street and Marconi Boulevard (Street & Highway Imp Carryover) / \$0.00 / \$1,000,000.00 / \$1,000,000.00 (to match cash)

7708 / P530163-100000 / Smart City Challenge (Voted Carryover) / \$18,479.00 / \$79,752.00 / \$98,231.00 (to match cash)

7708 / P530161-100187 / Roadway Improvements - Scioto Peninsula - Belle Street from Town to Broad (Voted Carryover) / \$1,640,810.00 / (\$1,640,810.00) / \$0.00

7708 / P530163-100000 / Smart City Challenge (Voted Carryover) / \$98,231.00 / (\$98,231.00) / \$0.00

7704 / P530086-100044 / Intersection Improvements - Safety Improvements Local Match (Voted Carryover) / \$300,000.00 / (\$300,000.00) / \$0.00

7704 / P530086-100031 / Intersection Improvements - Livingston Avenue at Barnett Road (Voted Carryover) / \$117,169.00 / (\$117,169.00) / \$0.00

7704 / P530086-100030 / Intersection Improvements - SR 161 Corridor Study (Voted Carryover) / \$160,563.00 / (\$158,599.00) / \$1,964.00

7708 / P531059-100000 / Roadway - Front Street and Marconi Boulevard (Voted Carryover) / \$0.00 / \$1,739,041.00 / \$1,739,041.00

7704 / P531059-100000 / Roadway - Front Street and Marconi Boulevard (Voted Carryover) / \$0.00 / \$575,768.00 / \$575,768.00

**SECTION 2.** That the transfer of \$1,640,810.00, or so much thereof as may be needed, is hereby authorized within Fund 7708 (Public Service Taxable Bonds Fund), from Dept-Div 5912 (Design and Construction), Project P530161-100187 (Roadway Improvements - Scioto Peninsula - Belle Street from Town to Broad), Object Class 06 (Capital Outlay) to Dept -Div 5912 (Design and Construction), Project P531059-100000 (Roadway - Front Street and Marconi Boulevard), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 3.** That the transfer of \$98,230.86, or so much thereof as may be needed, is hereby authorized within Fund 7708 (Public Service Taxable Bonds Fund), from Dept-Div 5912 (Design and Construction), Project P530163-100000 (Smart City Challenge), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P531059-100000 (Roadway - Front Street and Marconi Boulevard), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 4.** That the transfer of \$300,000.00, 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 P530086-100044 (Intersection Improvements - Safety Improvements Local Match), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P531059-100000 (Roadway - Front Street and Marconi Boulevard), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 5.** That the transfer of \$117,169.00, 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 P530086-100031 (Intersection Improvements - Livingston Avenue at Barnett Road), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P531059-100000 (Roadway - Front Street and Marconi Boulevard), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 6.** That the transfer of \$155,563.17, 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 P530086-100030 (Intersection Improvements - SR161 Corridor Study), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P531059-100000 (Roadway - Front Street and Marconi Boulevard), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 7.** That the transfer of \$3,035.88, 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 P530086-100030 (Intersection Improvements - SR161 Corridor Study), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P531059-100000 (Roadway - Front Street and Marconi Boulevard), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 8.** 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 \$1,000,000.00 is appropriated in Fund 7766 (Streets and Highways Imp NonBond Fund), Dept-Div 5912 (Design and Construction), Project P531059-100000 (Roadway - Front Street and Marconi Boulevard), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 9.** 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 \$4,428,298.00 is appropriated in Fund 7763 (OPWC Grants and Loans Fund), Dept-Div 5912 (Design and Construction), Project G592206 (Front St and Marconi Blvd CC17Z CC18Z), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 10.** 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 \$6,161,120.00 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 11.** That the transfer of \$6,161,120.00, 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 5912 (Design and Construction) per the account codes in the attachment to this ordinance.

**SECTION 12.** 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

\$6,161,120.00 is appropriated in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5912 (Design and Construction), Project P530161-100035 (Roadway Improvements - Front Street and Marconi Boulevard), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 13.** That the Director of Public Service be and is hereby authorized to enter into a construction services contract with Complete General Construction, 1221 East Fifth Avenue, Columbus, Ohio 43219, for the Roadway - Front Street and Marconi Boulevard project in the amount of up to \$12,874,284.18 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 \$1,029,942.73.

**SECTION 14.** That the expenditure of \$1,000,000.00, or so much thereof as may be needed, is hereby authorized in Fund 7766 (Streets and Highways Imp NonBond Fund), Dept-Div 5912 (Design and Construction), Project P531059-100000 (Roadway - Front Street and Marconi Boulevard), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 15.** That the expenditure of \$4,428,298.00, or so much thereof as may be needed, is hereby authorized in Fund 7763 (OPWC Grants and Loans Fund), Dept-Div 5912 (Design and Construction), Project G592206 (Front St and Marconi Blvd CC17Z CC18Z), Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 16.** That the expenditure of \$575,768.05, 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 P531059-100000 (Roadway - Front Street and Marconi Boulevard), Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 17.** That the expenditure of \$6,161,120.00, 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 P530161-100035 (Roadway Improvements - Front Street and Marconi Boulevard), Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 18.** That the expenditure of \$1,739,040.86, or so much thereof as may be needed, is hereby authorized in Fund 7708 (Public Service Taxable Bonds Fund), Dept-Div 5912 (Design and Construction), Project P531059-100000 (Roadway - Front Street and Marconi Boulevard), Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 19.** That the monies appropriated in the foregoing Section 10 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 20.** 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 11.

**SECTION 21.** 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 \$6,161,120.00 (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 22.** 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 23.** 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 24.** 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 25.** At the end of the grant period, any repayment of unencumbered balances required by the grantor is hereby authorized and any unused City match monies may be transferred back to the City fund from which they originated in accordance with all applicable grant agreements.

**SECTION 26.** 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.