



## Legislation Details (With Text)

**File #:** 0221-2024 **Version:** 1

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

**File created:** 1/10/2024 **In control:** Public Service & Transportation Committee

**On agenda:** 2/5/2024 **Final action:** 2/9/2024

**Title:** To authorize the transfer of funds within the Morse Road TIF Fund and the Crosswoods TIF Fund; to appropriate funds in the Morse Road TIF Fund and the Crosswoods TIF Fund; to authorize the Director of the Department of Public Service to enter into contract with Shelly & Sands, Inc. for the Roadway Improvements Sinclair Road Sidewalks project; to authorize the expenditure of up to \$4,208,039.72 from the Morse Road TIF Fund and the Crosswoods TIF Fund for the project; and to declare an emergency. (\$4,208,039.72)

**Sponsors:**

**Indexes:** MBE Participation, WBE Participation

**Code sections:**

**Attachments:** 1. Ord 0221-2024 Accounting Template\_1\_11\_24sb.pdf, 2. Ord 0221-2024 Subconsultant.pdf, 3. Ord 0221-2024 3658E - Sinclair Sidewalks - Map of Project Boundaries.pdf

Date	Ver.	Action By	Action	Result
2/9/2024	1	CITY CLERK	Attest	
2/8/2024	1	ACTING MAYOR	Signed	
2/5/2024	1	COUNCIL PRESIDENT	Signed	
2/5/2024	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

This ordinance authorizes the Director of the Department of Public Service to enter into contract with Shelly & Sands, Inc. for the Roadway Improvements - Sinclair Road Sidewalks project and to provide payment for construction, construction administration and inspection services.

This contract includes the construction of a new 7-foot sidewalk adjacent to the existing curb along both sides of Sinclair Road from Morse Road north to just south of Bull Moose Run, then 5-foot sidewalks with 3-foot tree lawn in the limits of the culvert over Bull Moose Run, and finally 5-foot sidewalks north of Bull Moose Run to Strimple Avenue. This project also involves traffic signal updates at both the I-71 SB exit at Sinclair Road and Freeway Drive North at Sinclair Road intersections, 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 March 4, 2024. The project was let by the Office of Support Services through Vendor Services and Bid Express. Four bids were received on December 21, 2023, (all majority) and tabulated as follows:

Company Name	Bid Amount	City/State	Majority/ODI Certification
Trucco Construction Co., Inc.	\$3,825,490.65	Delaware, Ohio	MAJ
Shelly & Sands, Inc.	\$3,850,284.35	Columbus, Ohio	MAJ
Strawser Paving Company	\$4,196,513.98	Columbus, Ohio	MAJ
Complete General Construction	\$4,644,966.20	Columbus, Ohio	MAJ

Trucco Construction was the low bidder, and Shelly & Sands, Inc. was the second lowest bidder. Trucco Construction is

located outside the city limits and is not a certified local bidder. Shelly & Sands, Inc. is a certified local bidder and was within 1% of Trucco Construction's bid price. Under City Code Section 329.213, Shelly & Sands, Inc. was given the opportunity to adjust their bid price to match that of the low bidder. Shelly & Sands, Inc. accepted the opportunity and submitted a revised bid to match the low bid price.

Award is to be made to Shelly & Sands, Inc. as the lowest responsive and responsible and best bidder for their bid of \$3,825,490.65. The amount of construction administration and inspection services will be \$382,549.07. The total legislated amount is \$4,208,039.72.

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

Shelly & Sands, Inc.'s certification was in good standing at the time the bid was awarded.

As part of their bid, Shelly & Sands, Inc. has proposed the following subcontractors to work on the project:

<u>Company Name</u>	<u>City/State</u>	<u>Majority/ODI Certification</u>
Boca Construction	Norwalk, Ohio	MAJ
Cap-Stone & Associates	Columbus, Ohio	WBE
Complete Clearing, Inc.	Marengo, Ohio	MAJ
Dresden Landscaping	Dresden, Ohio	MAJ
Hurts Trucking	Marysville, Ohio	MBE
Paul Peterson Company	Columbus, Ohio	MAJ
Griffin Pavement Striping	Columbus, Ohio	MAJ
MP Dory	Columbus, Ohio	MAJ
US Utility	Perrysburg, Ohio	WBE

## **2. CONTRACT COMPLIANCE INFORMATION**

The contract compliance number for Shelly & Sands, Inc. is 006043 and expires 2/3/2024. The contract compliance number will be renewed before the ordinance is read at council.

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

Shelly & Sands, 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**

Funds in the amount of \$2,622,174.62 are available for this project within the Morse Road TIF Fund, Fund 7414. It is necessary to transfer cash between projects within Fund 7414 to align cash with the proper project. Funds will also need to be appropriated within Fund 7414.

Funds in the amount of \$1,585,865.10 are available for this project within the Crosswoods TIF Fund, Fund 7419. It is necessary to transfer cash between projects within Fund 7419 to align cash with the proper project. Funds will also need to be appropriated within Fund 7419.

## **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 15% as assigned 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 substantially complete the needed improvements within the upcoming construction season.

To authorize the transfer of funds within the Morse Road TIF Fund and the Crosswoods TIF Fund; to appropriate funds in the Morse Road TIF Fund and the Crosswoods TIF Fund; to authorize the Director of the Department of Public Service to enter into contract with Shelly & Sands, Inc. for the Roadway Improvements Sinclair Road Sidewalks project; to authorize the expenditure of up to \$4,208,039.72 from the Morse Road TIF Fund and the Crosswoods TIF Fund for the project; and to declare an emergency. (\$4,208,039.72)

**WHEREAS**, the Department of Public Service is engaged in the Roadway Improvements - Sinclair Road Sidewalks project; and

**WHEREAS**, the work for this project consists of: the construction of a new 7-foot sidewalk adjacent to the existing curb along both sides of Sinclair Road from Morse Road north to just south of Bull Moose Run, then 5-foot sidewalks with 3-foot tree lawn in the limits of the culvert over Bull Moose Run, and finally 5-foot sidewalks north of Bull Moose Run to Strimple Avenue; traffic signal updates at both I-71 SB exit at Sinclair Road and Freeway Drive North at Sinclair Road intersections; 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**, Shelly & Sands, Inc. will be awarded the contract for the Roadway Improvements - Sinclair Road Sidewalks project; and

**WHEREAS**, the Department of Public Service requires funding to be available for the Roadway Improvements - Sinclair Road Sidewalks project for construction expense along with construction administration and inspection services; and

**WHEREAS**, City Council passed Ordinance No. 1555-2017 to determine that satisfactory provision had been made for the public improvements benefiting the Crosswoods TIF properties in order to allow the Crosswoods TIF funds to be used in support of urban redevelopment for certain “Neighborhood Public Improvements” as identified in Exhibit B of Ordinance No. 1555-2017, which includes improvements like the Roadway Improvements - Sinclair Road Sidewalks project; and

**WHEREAS**, it is necessary for Council to authorize a transfer of funds within Fund 7414, Morse Road TIF Fund and Fund 7419, Crosswoods TIF Fund, to establish sufficient cash to pay for the project; and

**WHEREAS**, funds must be appropriated within Fund 7414, Morse Road TIF Fund and Fund 7419, Crosswoods TIF 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 15% as assigned 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**, 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 Shelly & Sands, Inc. to complete needed improvements within the upcoming construction season 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 transfer of \$1,585,865.10, or so much thereof as may be needed, is hereby authorized within Fund 7419 (Crosswoods TIF Fund), from Dept-Div 4402 (Economic Development), Project P419001-100000 (Crosswoods

TIF), Object Class 99 (Intrafund Transfers) to Dept-Div 5912 (Design and Construction), Project P530161-100153 (Roadway Improvements - Sinclair Road Sidewalks), Object Class 99 (Intrafund Transfers) between projects per the account codes in the attachment to this ordinance.

**SECTION 2.** That the transfer of \$247,612.28, or so much thereof as may be needed, is hereby authorized within Fund 7414 (Morse Road TIF Fund), from Dept-Div 4401 (Administration), Project P530301-161506 (Bridge Rehabilitation - Sinclair Road Over Stream North of Morse Road), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P530161-100153 (Roadway Improvements - Sinclair Road Sidewalks), Object Class 06 (Capital Outlay) between projects per the account codes in the attachment to this ordinance.

**SECTION 3.** That the transfer of \$2,374,562.34, or so much thereof as may be needed, is hereby authorized within Fund 7414 (Morse Road TIF Fund), from Dept-Div 4402 (Economic Development), Project P414001-100000 (Morse Road TIF), Object Class 99 (Intrafund Transfers) to Dept-Div 5912 (Design and Construction), Project P530161-100153 (Roadway Improvements - Sinclair Road Sidewalks), Object Class 99 (Intrafund Transfer) between projects 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, 2024, the sum of \$1,585,865.10 is appropriated in Fund 7419 (Crosswoods TIF Fund), Dept-Div 5912 (Design and Construction), Project P530161-100153 (Roadway Improvements - Sinclair Road Sidewalks), 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, 2024, the sum of \$2,374,562.34 is appropriated in Fund 7414 (Morse Road TIF Fund), Dept-Div 5912 (Design and Construction), Project P530161-100153 (Roadway Improvements - Sinclair Road Sidewalks), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 6.** That the Director of Public Service be and is hereby authorized to enter into a construction services contract with Shelly & Sands, Inc. located at 1515 Harmon Ave., Columbus, Ohio 43223, for the Roadway Improvements - Sinclair Road Sidewalks project in the amount of up to \$3,825,490.65 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 \$382,549.07.

**SECTION 7.** That the expenditure of \$1,585,865.10, or so much thereof as may be needed, is hereby authorized in Fund 7419 (Crosswoods TIF Fund), Dept-Div 5912 (Design and Construction), Project P530161-100153 (Roadway Improvements - Sinclair Road Sidewalks), Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 8.** That the expenditure of \$2,622,174.62, or so much thereof as may be needed, is hereby authorized in Fund 7414 (Morse Road TIF Fund), Dept-Div 5912 (Design and Construction), Project P530161-100153 (Roadway Improvements - Sinclair Road Sidewalks), 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.