



## Legislation Text

**File #:** 1453-2017, **Version:** 1

### 1. BACKGROUND

This legislation authorizes the Director of Public Service to enter into a contract for the construction of the Resurfacing - Resurfacing 2017 Project 2 project and to provide payment for construction administration and inspection services.

This contract consists of resurfacing 108 City streets and constructing 354 associated ADA Curb Ramp Improvements throughout the City. The work 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.

The estimated Notice to Proceed date is July 5, 2017. The project was let by the Office of Support Services through Vendor Services and Bid Express. Four bids were received on May 11, 2017 (four majority) and tabulated on May 12, 2017, as follows:

<u>Company Name</u>	<u>Bid Amt</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Strawser Paving Co.	\$9,503,308.87	Columbus, OH	Majority
Kokosing Construction Co., Inc.	\$9,617,367.17	Columbus, OH	Majority
Decker Construction Co.	\$9,633,314.52	Columbus, OH	Majority
Shelly & Sands, Inc.	\$9,956,699.13	Columbus, OH	Majority

Award is to be made to Strawser Paving Co. as the lowest responsive and responsible and best bidder. The contract amount will be \$9,503,308.87. The amount for construction administration and inspection services will be \$855,298.00. The total legislated amount is \$10,358,606.87.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Strawser Paving Co.

### 2. CONTRACT COMPLIANCE

The contract compliance number for Strawser Paving Co. is CC006114, Vendor No. 006114, and expires 1/30/19.

### 3. PRE-QUALIFICATION STATUS

Strawser Paving Co. and all proposed trades subcontractors have met code requirements with respect to pre-qualification, pursuant to relevant sections of Columbus City Code Chapter 329.

### 4. FISCAL IMPACT

This project is funded by Department of Public Service funds with contributions from COTA and the Franklin County Engineer's Office. The Public Service funding for this project is budgeted within the 2017 Capital Improvements Budget, which has been approved by Council under Ordinance 1124-2017. The funds will not be available to Public Service until the bond sale is held later this year. Therefore, it is necessary to certify the Public Service funds in the amount of \$8,774,226.82 against the Special Income Tax Fund. COTA and the Franklin County Engineer's Office have executed a Contribution Agreement with Public Service for their funding which is attached to this Ordinance. Invoices have been issued to both organizations but the funds have not yet been received. The funds will be deposited in Fund 7766 Street and Highway Improvement Fund when they arrive. Public Service is requesting the executed agreement between the parties be accepted by the Auditor's Office and the Auditor's Office allows Public Service to proceed with the legislation as if the funding has been received.

To authorize the Director of Public Service to enter into contract with Strawser Paving Co. in connection with the Resurfacing Program; to authorize and direct the City Auditor to appropriate and transfer funds from the Special Income Tax Fund to the Streets and Highways Bonds Fund; to appropriate funds within the Streets and Highways Bond Fund and the Street and Highway Improvement Fund; to authorize the expenditure of \$8,774,226.82 from the Streets and Highways Bonds Fund; to authorize the expenditure of \$1,584,380.05 from the Street and Highway Improvement Fund; and to declare an emergency. (\$10,358,606.87)

**WHEREAS**, the City of Columbus Department of Public Service is engaged in the Resurfacing - Resurfacing 2017 Project 2 project; and

**WHEREAS**, this project consists of resurfacing 108 City streets and constructing 354 associated ADA Curb Ramp Improvements throughout the City, and other such 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**, the Department of Public Service requires funding to be available for the Resurfacing - Resurfacing 2017 Project 2 project for construction expense along with construction administration and inspection services; and

**WHEREAS**, Strawser Paving Co. will be awarded the contract for the Resurfacing - Resurfacing 2017 Project 2 project; and

**WHEREAS**, it is necessary to enter into contract with Strawser Paving Co.; and

**WHEREAS**, this ordinance authorizes funding in the amount of \$10,358,606.87 for that purpose; and

**WHEREAS**, it is necessary to provide for construction administration and inspection services; 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 \$8,774,226.82; 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, Division of Design and Construction, in that it is immediately necessary to enter into contract with Strawser Paving Co. for the Resurfacing 2017 Project 2 project 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 Director of Public Service be and is hereby authorized to enter into contract with Strawser Paving Co. for the Resurfacing - Resurfacing 2017 Project 2 project, for construction services in an amount of up to \$9,503,308.87; and to pay for the necessary inspection costs associated with the project up to a maximum of \$855,298.00.

**SECTION 2.** That from the unappropriated monies and from all monies estimated to come into said funds from any and all sources and unappropriated for any other purpose during the fiscal year ended December 31, 2017, the sum of

\$10,358,606.87 is appropriated in Fund 4430 Special Income Tax in Object Class 10 Transfer Out Operating, in Fund 7704 Streets and Highways Bond Fund in Object Class 06 Capital Outlay, and in Fund 7766 Street and Highway Improvement Fund in Object Class 06 per the account codes in the attachment to this ordinance.

**SECTION 3.** That the 2017 Capital Improvements Budget authorized by Ordinance 1124-2017 be amended to establish sufficient authority for this project as follows:

**Fund / Project / Project Name / Current / Change / Amended**

7704 / P530282-100051 / Resurfacing -- Resurfacing Projects / \$23,601,000.00 / (\$8,774,227.00) / \$14,826,773.00

7704 / P530282-922017 / Resurfacing -- Resurfacing 2017 Project 2 / \$0.00 / \$8,774,227.00 / \$8,774,227.00

7766 / P530282-922017 / Resurfacing -- Resurfacing 2017 Project 2 / \$0.00 / \$1,584,380.05 / \$1,584,380.05

**SECTION 4.** That the transfer of \$8,774,226.82 or so much thereof as may be needed, is hereby authorized between the Fund 4430 Special Income Tax Fund and Fund 7704 Streets and Highways Bond Fund per the account codes in the attachment to this ordinance.

**SECTION 5.** That the monies appropriated in the foregoing Section 2 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 6.** 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 4.

**SECTION 7.** 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 8.** 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 \$8,774,226.82 (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 9.** That for the expenditure of \$10,358,606.87, or so much thereof as may be needed, is hereby authorized Fund 7704 Streets and Highways Bond Fund in object class 06 Capital Outlay per the account codes in the attachment to this ordinance.

**SECTION 10.** That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated and the City Auditor shall establish such accounting codes as necessary.

**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.

