



Legislation Text

File #: 0791-2018, Version: 1

1. BACKGROUND

This ordinance authorizes the Director of Public Service to enter into contract through the City's construction bid process with Shelly & Sands, Inc. for the Resurfacing - 2018 Project 1 project and to provide payment for construction, construction administration and inspection services.

This contract repairs and resurfaces 83 city streets and constructs 396 ADA curb ramps along those streets. 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. Other work will be performed 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 May 2, 2018. The project was let by the Office of Support Services through Vendor Services and Bid Express. Four bids, all from majority companies, were received on March 6, 2018, and tabulated as follows:

<u>Company Name</u>	<u>Bid Amount</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Shelly & Sands, Inc.	\$10,443,805.16	Columbus, Ohio	Majority
Strawser Paving Company	\$10,551,598.31	Columbus, Ohio	Majority
Kokosing Construction Company	\$10,964,622.06	Columbus, Ohio	Majority
Decker Construction Company	\$11,067,995.99	Columbus, Ohio	Majority

The Bituminous Asphalt Heatweld Repair Puddle Patch line item will not be awarded. The contract price will be reduced \$7,770 from the bid amount to reflect the removal of this line item from the contract work. Award is to be made to Shelly & Sands as the lowest responsive and responsible and best bidder for the adjusted bid price of \$10,436,035.16. The amount of construction administration and inspection services will be \$939,243.16. The total legislated amount is \$11,375,278.32.

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

2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Shelly & Sands, Inc. is CC006043 and expires 3/01/20.

3. PRE-QUALIFICATION STATUS

Shelly & Sands 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

The City of Bexley is contributing \$44,448.27 to this project. They have signed a contribution agreement and will be depositing those funds with Public Service. Funds for the Bikeway (\$13,276.20) and UIRF (\$165,444.74) portions of the project are available within the Department of Public Service's 2017 Capital Improvement Budget. Funds for these expenditures will need to be transferred to establish sufficient funding within the proper project. The remainder of the funding (\$11,152,109.11) for this project is budgeted within the 2018 Capital Improvements Budget, which is currently pending approval by Council. 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 requisite funds in the amount of \$11,152,109.11 against

the Special Income Tax Fund. An amendment to the 2017 Capital Improvement Budget is required to establish sufficient budget authority for the project.

5. EMERGENCY DESIGNATION

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

To amend the 2017 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 appropriate funds within the Streets and Highways Bond Fund and the Street and Highway Improvement Non-Bond Fund; to transfer funds between projects within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into contract with Shelly & Sands for Resurfacing - 2018 Project 1; to authorize the expenditure of up to \$11,375,278.32 for Resurfacing - 2018 Project 1; and to declare an emergency. (\$11,375,278.32)

WHEREAS, the Department of Public Service is engaged in Resurfacing - 2018 Project 1; and

WHEREAS, it is necessary to amend the 2017 Capital Improvement Budget to establish authority within the correct project; and

WHEREAS, the work for this project consists of repairing and resurfacing 83 city streets and constructing 396 ADA curb ramps along those streets by 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, Shelly & Sands will be awarded the contract for Resurfacing - 2018 Project 1; and

WHEREAS, the Department of Public Service requires funding to be available for Resurfacing - 2018 Project 1 for construction expense along with 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 \$11,152,109.11; 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 Shelly & Sands, Inc. 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 2017 Capital Improvements Budget authorized by ordinance 1124-2017 be amended as follows to establish sufficient authority for this project:

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

7704 / P530282-912018 / Resurfacing - 2018 Project 1 / \$0.00 / \$11,375,279.00 / \$11,375,279.00

SECTION 2. That the Director of Public Service be and is hereby authorized to enter into a construction services contract with Shelly & Sands, Inc., 1515 Harmon Avenue, Columbus, Ohio, 43223, for Resurfacing - 2018 Project 1 in the amount of up to \$10,436,035.16 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 \$939,243.16.

SECTION 3. 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, 2018, the sum of \$11,152,109.11 is appropriated in Fund 4430 (Special Income Tax), Dept-Div 5912 (Division of Design and Construction) in Object Class 10 (Transfer Out Operating) and in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5912 (Division of Design and Construction), Project P530282-912018 (Resurfacing - 2018 Project 1), in Object Class 06 (Capital Outlay) 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, 2018, the sum of \$44,448.27 is appropriated in Fund 7766 (Street and Highway Improvement Non-Bond Fund), Dept-Div 5912 (Division of Design and Construction), Project P530282-912018 (Resurfacing - 2018 Project 1), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 5. That the transfer of \$11,152,109.11 or so much thereof as may be needed, is hereby authorized from Fund 4430 (Special Income Tax), Dept-Div 5912 (Division of Design and Construction) 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 6. That the transfer of \$178,720.94 or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5912 (Division of Design and Construction), Project P440005-100000 (UIRF - Urban Infrastructure Recovery Fund), Object Class 06 (Capital Outlay) and 7704 (Street and Highway Bond Fund), from Dept-Div 5911 (Division of Infrastructure Management), Project 540002 - 100088 (Bikeway Development - Bikeway Resurfacing Contributions), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Division of Design and Construction), Project P530282-912018 (Resurfacing - 2018 Project 1), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 7. 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 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 4.

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 \$11,152,109.11 (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 expenditure of \$11,375,278.32, 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 P530282-912018 (Resurfacing - 2018 Project 1), in Object Class 06 (Capital Outlay) and in Fund 7766 (Street and Highway Improvement Non-Bond Fund), Dept-Div 5912 (Division of Design and Construction), Project P530282-912018 (Resurfacing - 2018 Project 1), in Object Class 06 (Capital Outlay per the accounting codes in the attachment to this ordinance

SECTION 12. 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 13. 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 14. 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.