



## Legislation Text

**File #:** 1933-2019, **Version:** 1

### 1. BACKGROUND

This ordinance authorizes the Director of Public Service to enter into contract with Strawser Paving Company for the Resurfacing-Urban Paving FRA-23-18.53 PID 106080 project and to provide payment for construction, construction administration and inspection services.

This contract includes repairing and resurfacing North High Street from Morse Road to East Stanton Avenue, and Morse Road from Indianola Avenue to North High Street. It also constructs nineteen ADA curb ramps along those streets. The work consists of milling the existing pavement, overlaying with new asphalt concrete, minor curb replacement, replacing curb and sidewalk associated with installing ADA wheelchair ramps, full depth pavement repair where warranted, 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.

The estimated Notice to Proceed date is August 30, 2019. The project was let by the Office of Support Services through Vendor Services and Bid Express. Two bids were received on June 27 2019, and tabulated as follows:

<u>Company Name</u>	<u>Bid Amount</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Kokosing Construction Company	\$1,950,636.82	Columbus, OH	Majority
Strawser Paving Company	\$1,999,945.45	Columbus, OH	Majority

This project is funded in part by a grant from the Ohio Department of Transportation (ODOT). Bidders must comply with ODOT and City of Columbus bid requirements. The bid from Kokosing Construction Company was deemed non-responsive by ODOT because Kokosing did not submit their DBE plan to ODOT per the instructions in the bid documents. Award is to be made to Strawser Paving Company as the lowest responsive and responsible and best bidder for their bid of \$1,999,945.45. The amount of construction administration and inspection services will be \$179,995.09. The total legislated amount is \$2,179,940.54.

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

### 2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Strawser Paving Company is CC006114 and expires 1/18/21.

### 3. PRE-QUALIFICATION STATUS

Strawser Paving Company 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

Grant #G591904 (Urban Paving Morse Road and High Street 106080), a reimbursable grant within the Federal Transportation Grant Fund, Fund 7765, will partially fund construction for this project in the amount of up to \$547,555.00 for eligible expenses.

The Department of Public Service will be responsible for any costs not covered by the ODOT grant and will contribute a local share amount of \$1,632,385.54 for construction, construction inspection, and construction administration costs. The Public Service funding for this project is budgeted within the 2019 Capital Improvements Budget. 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 \$1,632,385.54 against the Special Income Tax Fund.

## **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 appropriate funds within the Federal Transportation Grant 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 authorize the Director of Public Service to enter into contract with Strawser Paving Company for the Resurfacing-Urban Paving FRA-23-18.53 PID 106080 project; to authorize the expenditure of up to \$1,632,385.54 from the Streets and Highways Bond Fund and up to \$547,555.00 from the Federal Transportation Grants Fund for the project; and to declare an emergency. (\$2,179,940.54)

**WHEREAS**, the Department of Public Service is engaged in the Resurfacing-Urban Paving FRA-23-18.53 PID 106080 project; and

**WHEREAS**, the work for this project consists of repairing and resurfacing North High Street from Morse Road to East Stanton Avenue, and Morse Road from Indianola Avenue to North High Street. It also constructs nineteen ADA curb ramps along those streets. The work consists of milling the existing pavement, overlaying with new asphalt concrete, minor curb replacement, replacing curb and sidewalk associated with installing ADA wheelchair ramps, full depth pavement repair where warranted, 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**, Strawser Paving Company will be awarded the contract for the Resurfacing-Urban Paving FRA-23-18.53 PID 106080 project; and

**WHEREAS**, the Department of Public Service requires funding to be available for the Resurfacing-Urban Paving FRA-23-18.53 PID 106080 project for construction expense along with construction administration and construction inspection services; and

**WHEREAS**, Federal Transportation grant funds will be used to pay for a portion of this project; and

**WHEREAS**, funds must be appropriated within the Federal Transportation grant funds; 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 \$1,632,385.54; 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 Strawser Paving Company 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 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 \$1,632,385.54 is appropriated in Fund 4430 (Special Income Tax), Dept-Div 2201 (City Auditor) in Object Class 10 (Transfer Out Operating) and in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5912 (Design and Construction), Project P530282-100120 (Resurfacing - Urban Paving FRA-18.53 PID 106080), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 2.** That the transfer of \$1,632,385.54, 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 (Division of Infrastructure Management) per the account codes in the attachment to this ordinance.

**SECTION 3.** That from the unappropriated monies in Fund 7765 (Federal Transportation Grant Fund) and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the grant period, the sum of \$547,555.00 is appropriated in Fund 7765 (Federal Transportation Grant Fund), Dept-Div 5912 (Design and Construction), Grant G591904, Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 4.** That the Director of Public Service be and is hereby authorized to enter into a construction services contract with Strawser Paving Company, 1595 Frank Road, Columbus, Ohio 43223, for the Resurfacing-Urban Paving FRA-23-18.53 PID 106080 project in the amount of up to \$1,999,945.45 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 \$179,995.09.

**SECTION 5.** That the expenditure of \$1,632,385.54, 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 P530282-100120 (Resurfacing-Urban Paving FRA-23-18.53 PID 106080), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 6.** That the expenditure of \$547,555.00, or so much thereof as may be needed, is hereby authorized in Fund 7765 (Federal Transportation Grant Fund), Dept-Div 5912 (Design and Construction), Grant G591904 (Urban Paving Morse Rd and High St 106080), 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 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 \$1,632,385.54 (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.** 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 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.