



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

File #: 0867-2020, Version: 1

### 1. BACKGROUND

This ordinance authorizes the Director of Public Service to enter into contract with Decker Construction Company for the Resurfacing - 2020 Project 2 project and to provide payment for construction, construction administration and inspection services.

This contract includes repairing and resurfacing 93 city streets and constructing 330 ADA curb ramps along those streets, 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 October 28, 2020. The project was let by the Office of Support Services through Vendor Services and Bid Express. Three bids were received on March 24, 2020, and tabulated as follows:

<u>Company Name</u>	<u>Bid Amount</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Decker Construction Company	\$9,972,685.45	Columbus, OH	Majority
Kokosing Construction Co.	\$10,113,326.04	Columbus, OH	Majority
Shelly and Sands, Inc.	\$10,591,409.59	Columbus, OH	Majority

Award is to be made to Decker Construction Company as the lowest responsive and responsible and best bidder for their bid of \$9,972,685.45. The amount of construction administration and inspection services will be \$897,541.69. The total legislated amount is \$10,870,227.14.

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

### 2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Decker Construction Company is CC004549 and expires 1/2/22.

### 3. PRE-QUALIFICATION STATUS

Decker Construction 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

Budget authority and cash for the Resurfacing work is expected to be in the 2020 Capital Improvement Budget under Resurfacing (P530282-100051). The funds will not be available to Public Service until the proceeds of the 2020 bond sale are available later this calendar year. Therefore, it is necessary to certify funds in the amount of \$10,188,801.37 against the Special Income Tax Fund, Fund 4430. An amendment to the 2019 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.

Seven subprojects will also be performed as part of the resurfacing contract. This prevents disrupting the streets and sidewalks in those areas a second time to do construction, and prevents having to redo construction just performed as part of the resurfacing work. Funding is available and appropriated for this work within Fund 7704, the Streets and Highways Bond Fund. Amendments to the 2019 Capital Improvements Budget are necessary to align budget authority within the proper projects. It is also necessary to transfer cash between projects within Fund 7704 to establish sufficient cash for the

projects.

## **5. EMERGENCY DESIGNATION**

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

To amend the 2019 Capital Improvements 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; to transfer cash and appropriation within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into contract with Decker Construction Company for the Resurfacing - 2020 Project 2 project; to authorize the expenditure of up to \$10,870,227.14 from the Streets and Highways Bond Fund for the project; and to declare an emergency. (\$10,870,227.14)

**WHEREAS**, the Department of Public Service is engaged in the Resurfacing - 2020 Project 2 project; and

**WHEREAS**, the work for this project consists of repairing and resurfacing 93 city streets and constructs 330 ADA curb ramps along those streets; and

**WHEREAS**, Decker Construction Company will be awarded the contract for the Resurfacing - 2020 Project 2 project; and

**WHEREAS**, the Department of Public Service requires funding to be available for the Resurfacing - 2020 Project 2 project for construction expense along with construction administration and inspection services; and

**WHEREAS**, it is necessary to amend the 2019 Capital Improvement Budget to establish budget authority within the correct project; and

**WHEREAS**, funds will need to be appropriated within Fund 4430 (Special Income Tax) and within Fund 7704 (Streets and Highways Bond Fund); and

**WHEREAS**, funds will need to be transferred from the Special Income Tax Fund to the Streets and Highways Bond Fund; and

**WHEREAS**, it is necessary to transfer cash and appropriation between projects within the Streets and Highways Bond Fund; 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 \$10,188,801.37; 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**, a contract will need to be executed with Decker Construction Company to perform the work for the Resurfacing - 2020 Project 2 project; and

**WHEREAS**, it is necessary to expend funds to pay for work performed as part of the Resurfacing - 2020 Project 2 contract; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the Director to enter into contract with Decker Construction Company 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 2019 Capital Improvements Budget authorized by Ordinance 1326-2019 be amended as follows to establish sufficient authority for this project:

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

7704 / P530282-922020 / Resurfacing - 2020 Project 2 (Voted 2019 Debt SIT Supported) / \$0.00 / \$9,875,079.00 / \$9,875,079.00 (to match cash received from certifying against the SIT)

7704 / P440005-102201 / UIRF - Sixth Avenue Sidewalks University District (Voted 2019 Debt SIT Supported) / \$0.00 / \$313,722.00 / \$313,722.00 (to match cash received from certifying against the SIT)

7704 / P440005-101955 / UIRF - Clintonville North-South Bike Route (Voted Carryover) / \$350,000.00 / (\$183,940.00) / \$166,060.00

7704 / P440005-101887 / UIRF - Wall Street Asphalt (Voted Carryover) / \$0.00 / \$30,533.00 / \$30,533.00

7704 / P440005-101825 / UIRF - Maryland Avenue Traffic Calming (Voted Carryover) / \$0.00 / \$60,517.00 / \$60,517.00

7704 / P440005-101814 / UIRF - Miller/Kelton Traffic Calming (Voted Carryover) / \$0.00 / \$92,890.00 / \$92,890.00

7704 / P530086-100032 / Intersection Improvements - Central Avenue/Harrisburg Pike at Mound Street (Voted Carryover) / \$92,000.00 / (\$92,000.00) / \$0.00

7704 / P530086-100033 / Intersection Improvements - Agler Road/Cassady Avenue at Sunbury Road (Voted Carryover) / \$240,000.00 / (\$240,000.00) / \$0.00

7704 / P530086-100034 / Intersection Improvements - Hamilton Road at Livingston Avenue Safety Project (Voted Carryover) / \$148,293.00 / (\$117,270.00) / \$31,023.00

7704 / P530161-100179 / Roadway Improvements - Yearly Traffic Calming (Voted Carryover) / \$48,216.00 / \$362,036.00 / \$410,252.00

7704 / P530161-100214 / Roadway - Greater Hilltop Radar Detection (Voted Carryover) / \$0.00 / \$87,234.00 / \$87,234.00

**SECTION 2.** 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, 2020, the sum of \$10,188,801.37 is appropriated in Fund 4430 (Special Income Tax), Dept-Div 2201 (City Auditor), in Object Class 10 (Transfer Out Operating) per the account codes in the attachment to this ordinance.

**SECTION 3.** That the transfer of \$10,188,801.37, 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 (Infrastructure Management) 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, 2020, the sum of \$10,188,801.37 is appropriated in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5911 (Infrastructure Management), Project P530282-922020 (Resurfacing - 2020 Project 2), in Object Class 06 (Capital Outlay) and in Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5911 Project P440005-102201 (UIRF - Sixth Avenue Sidewalks University District), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 5.** That the transfer of \$449,269.98, 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), Projects P530086-100032

(Intersection Improvements - Central Avenue/Harrisburg Pike at Mound Street), P530086-100033 (Intersection Improvements - Agler Road/Cassady Avenue at Sunbury Road), and P530086-100034 (Intersection Improvements - Hamilton Road at Livingston Avenue Safety Project), Object Class 06 (Capital Outlay) to Dept-Div 5913 (Traffic Management), Projects P530161-100179 (Roadway Improvements - Yearly Traffic Calming) and P530161-100214 (Roadway - Greater Hilltop Radar Detection), 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 Decker Construction Company, 3040 McKinley Avenue, Columbus, Ohio, 43204, for the Resurfacing - 2020 Project 2 project in the amount of up to \$9,972,685.45 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 \$897,541.69.

**SECTION 8.** That the expenditure of \$9,875,079.20, or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5911 (Infrastructure Management), Project P530282-922020 (Resurfacing - 2020 Project 2), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 9.** That the expenditure of \$313,722.17, or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5911 (Infrastructure Management), Project P440005-102201 (UIRF - Sixth Avenue Sidewalks University District) in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 10.** That the expenditure of \$183,939.79, 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), Projects P440005-101887 (UIRF - Wall Street Asphalt), P440005-101825 (UIRF - Maryland Avenue Traffic Calming) and P440005-101814 (UIRF - Miller/Kelton Traffic Calming) in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 11.** That the expenditure of \$410,252.19, or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5913 (Traffic Management) and Dept-Div 5911 (Infrastructure Management), Project P530161-100179 (Roadway Improvements - Yearly Traffic Calming) in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 12.** That the expenditure of \$87,233.79, or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5913 (Traffic Management), Project P530161-100214 (Roadway - Greater Hilltop Radar Detection) in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 13.** That the monies appropriated in the foregoing Section 2 and Section 4 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 14.** 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 5.

**SECTION 15.** 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 \$10,188,801.37 (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 16.** That 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 17.** 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 18.** 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 19.** 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.