



## Legislation Text

File #: 1485-2022, Version: 1

### 1. BACKGROUND

This ordinance authorizes the Director of Public Service to enter into contract with Shelly & Sands, Inc. for the Resurfacing - 2022 Project 1 and to provide payment for construction, construction administration and inspection services.

This contract consists of repairing and resurfacing 91 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 identified curb and sidewalk areas associated with installing ADA curb ramps. The project also includes areas of full depth pavement repair in conjunction with resurfacing, 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.

Ordinance No. 0429-2022 established a contribution agreement between the City of Columbus and Easton Town Center II, LLC. The funds were to be used to defray construction and inspection costs to install ADA curb ramps and pavement markings at four locations along Easton Loop adjacent to Easton Town Center which are included in this project.

The estimated Notice to Proceed date is July 5, 2022. The project was let by the Office of Support Services through Vendor Services and Bid Express. Four bids were received on May 5, 2022, (all majority) and tabulated as follows:

<u>Company Name</u>	<u>Bid Amount</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Shelly & Sands, Inc.	\$ 13,358,006.96	Columbus, Ohio	MAJ
Kokosing Construction Company, Inc.	\$ 13,925,065.50	Westerville, Ohio	MAJ
Strawser Paving Company	\$ 14,082,391.05	Columbus, Ohio	MAJ
Decker Construction Company	\$ 14,517,418.65	Columbus, Ohio	MAJ

Award is to be made to Shelly & Sands, Inc. as the lowest responsive and responsible and best bidder for their bid of \$13,358,006.96. The amount of construction administration and inspection services will be \$1,202,220.63. The total legislated amount is \$14,560,227.59.

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 02/03/2024.

### 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

Budget authority and cash for the Resurfacing work is expected to be in the 2022 Capital Improvement Budget under Resurfacing (P530282-100051). The funds will not be available to Public Service until the proceeds of the 2022 bond sale are available. Therefore, it is necessary to certify funds in the amount of \$10,500,000.00 against the Special Income Tax Fund, Fund 4430. An amendment to the 2021 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.

Funding in the amount of \$3,893,988.24 is available within the Streets and Highways Bond Fund, Fund 7704. An amendment to the 2021 Capital Improvement Budget and a transfer of cash is necessary to align spending with the proper project. Funds are appropriated.

Funding in the amount of \$135,557.85 is available within the Street Construction Maintenance and Repair Fund, Fund 2265. These funds are appropriated.

A contribution from Easton Town Center II, LLC in the amount of \$30,682.00 has been received and is available for this project with the auditor's certificate ACPO007440.

### **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 2021 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 authorize the transfer of funds within the Streets and Highways Bond Fund; to appropriate funds within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into contract with Shelly & Sands, Inc. for the Resurfacing - 2022 Project 1; to authorize the expenditure of up to \$14,529,545.59 from the Streets and Highways Bond Fund, and the Street Construction Maintenance and Repair Fund for the project; and to declare an emergency. (\$14,529,545.59)

**WHEREAS**, the Department of Public Service is engaged in the Resurfacing - 2022 Project 1 project; and

**WHEREAS**, the work for this project consists of repairing and resurfacing 91 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 identified curb and sidewalk areas associated with installing ADA curb ramps; 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 Resurfacing - 2022 Project 1 project; and

**WHEREAS**, the Department of Public Service requires funding to be available for the Resurfacing - 2022 Project 1 project for construction expense along with construction administration and inspection services; and

**WHEREAS**, it is necessary to amend the 2021 Capital Improvement Budget to establish authority within the correct project; and

**WHEREAS**, it is necessary to authorize a transfer of funds within Fund 7704, the Streets and Highways Bond Fund, to establish sufficient cash to pay for the project; and

**WHEREAS**, Auditor's Certificate ACPO007440 in the amount of \$30,682.00 will be used to partially fund this 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**, 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 \$10,500,000.00; 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 authorize the Director to enter into contract with Shelly & Sands, Inc. 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 2021 Capital Improvements Budget authorized by ordinance 2707-2021 be amended as follows to establish sufficient authority for this project:

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

7704 / P530282-912022 / Resurfacing - 2022 Project 1 (Voted 2019 Debt SIT Supported) / \$0.00 / \$10,500,000.00 / \$10,500,000.00 (Certifying against the SIT)

7704 / P532000-100000 / Vision Zero - Multilingual Educational Communications Campaign (Voted Carryover) / \$1,504,206.00 / (\$287,079.00) / \$1,217,127.00

7704 / P441770-100000 / King Lincoln District - Long, Garfield, Monroe and Talmadge (Voted Carryover) / \$3,877,380.00 / (\$3,506,909.00) / \$370,471.00

7704 / P540002-100088 / Bikeway Development - Bikeway Resurfacing Contribution (Voted 2019 SIT Supported) / \$100,000.00 / (\$100,000.00) / \$0.00

7704 / P530282-912022 / Resurfacing - 2022 Project 1 (Voted 2019 Debt SIT Supported) / \$10,500,000 / \$100,000.00 / \$10,600,000.00

7704 / P530282-912022 / Resurfacing - 2022 Project 1 (Voted Carryover) / \$0.00 / \$3,793,988.00 / \$3,793,988.00

**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, 2022, the sum of \$10,500,000.00 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 \$ 287,078.75, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5912 (Design and Construction), Project P532000 - 100000 (Vision Zero - Multilingual Educational Communications Campaign), Object Class 06 (Capital Outlay) to Dept-Div 5911 (Infrastructure Management), Project P530282-912022 (Resurfacing - 2022 Project 1), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 4.** That the transfer of \$100,000.00, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5911 (Infrastructure Management), Project P540002 - 100088 (Bikeway Development - Bikeway Resurfacing Contributions), Object Class 06 (Capital Outlay) to Dept-Div 5911 (Infrastructure Management), Project P530282-912022 (Resurfacing - 2022 Project 1), Object Class 06 (Capital Outlay)

per the account codes in the attachment to this ordinance.

**SECTION 5.** That the transfer of \$3,506,908.99, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5912 (Design and Construction), Project P441770-100000 (King Lincoln District - Long, Garfield, Monroe and Talmadge), Object Class 06 (Capital Outlay) to Dept-Div 5911 (Infrastructure Management), Project P530282-912022 (Resurfacing - 2022 Project 1), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 6.** That the transfer of \$10,500,000.00, 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 7.** 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, 2022, the sum of \$10,500,000.00 is appropriated in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5911 (Infrastructure Management), Project P530282-912022 (Resurfacing - 2022 Project 1), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 8.** That the Director of Public Service be and is hereby authorized to enter into a construction services contract with Shelly & Sands, Inc., 1515 Harmon Ave., Columbus, OH 43223, for the Resurfacing - 2022 Project 1 project in the amount of up to \$13,358,006.96 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 \$1,202,220.63.

**SECTION 9.** That the expenditure of \$14,393,988.24, 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 P530282-912022 (Resurfacing - 2022 Project 1), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 10.** That the expenditure of \$135,557.85, or so much thereof as may be needed, is hereby authorized in Fund 2265 (Street Construction Maintenance and Repair Funds), Dept-Div 5913 (Traffic Management), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 11.** That the monies appropriated in the foregoing Section 2 and Section 7 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 12.** 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 6.

**SECTION 13.** 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 \$10,500,000.00 (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 14.** 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 15.** 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 16.** 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 17.** 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.