



## Legislation Details (With Text)

**File #:** 2598-2012      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/14/2012      **In control:** Public Service & Transportation Committee

**On agenda:** 12/17/2012      **Final action:** 12/19/2012

**Title:** To authorize the Director of Public Service to contract with EMH&T for the design of public infrastructure improvements in connection with the Hayden Run Phase 2 project in the amount of \$900,000.00; to authorize the appropriation of funds and expenditure of \$900,000.00 from the Northwest Corridor Pay as We Grow Fund; to waive the competitive bidding provisions of the Columbus City Code regarding professional services contracts; and to declare an emergency. (\$900,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2598-2012 Bid Waiver Form

| Date       | Ver. | Action By             | Action   | Result |
|------------|------|-----------------------|----------|--------|
| 12/19/2012 | 1    | CITY CLERK            | Attest   |        |
| 12/18/2012 | 1    | MAYOR                 | Signed   |        |
| 12/17/2012 | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 12/17/2012 | 1    | Columbus City Council | Approved | Pass   |

### 1. BACKGROUND

This ordinance authorizes the Director of Public Service to waive the competitive bidding requirements of Columbus City Code Section 329 and enter into a contract with Evans, Mechwart, Hambleton and Tilton Inc. (EMH&T) for professional engineering services.

Ordinances 1433-2004 authorized the City to enter into a Memorandum of Understanding with the Franklin County Engineer, M/I Homes of Central Ohio, LLC, Dominion Homes, Inc., Huntington Tower Associates, LLC, and Lifestyle Communities, Ltd for projects in the Hayden Run Corridor, of which the Cosgray-Britton Connector (to Avery including Bridge) project, hereinafter referred to as Hayden Run Phase 2, is included. Under the terms of the MOU, Dominion Homes, Inc. is required to assist the City of Columbus with expediting and coordinating the timely completion of Columbus' improvements, including the design of Hayden Run Phase 2. Dominion Homes, Inc. contracted with EMH&T for professional engineering services for Hayden Run Phase 2.

Dominion Homes, Inc. no longer wishes to manage the design contract for the Hayden Run Phase 2 project and the Department of Public Service has agreed to manage the remaining design of the project. Preliminary engineering has been completed and detailed design has begun. The Department of Public Service shall manage the remainder of detailed design.

Dominion Homes, Inc. shall be responsible for paying EMH&T for services rendered through December 31, 2012. The City shall reimburse Dominion Homes, Inc. for EMH&T's services rendered through December 31, 2012. Upon execution of the contract between the City and EMH&T, design services shall resume and the City shall pay EMH&T for services to complete the project.

The purchase orders to reimburse Dominion Homes, Inc. (DL013035, DL013201) total \$805,000.00. After the City

makes the final reimbursement to Dominion Homes, Inc., approximately \$300,000.00 will remain and the purchase order will be cancelled and the funds returned to their source (Fund 704). It is estimated that this will occur in the first quarter 2013. In order to maintain the project schedule, upon the approval of Council, the Department expects to execute the contract with EHM&T in January 2013. The contract between the City and EMH&T shall be for \$900,000.00. The \$900,000.00 includes the remaining \$300,000.00 that Dominion Homes, Inc. would have paid plus an additional \$600,000.00 to complete the detailed design. The estimated total cost for engineering services - preliminary engineering and detailed design is \$1,450,000.00.

The work performed on the Hayden Run Phase 2 project to-date has consisted of preliminary engineering and initial design plans for the extension of Hayden Run Boulevard to Avery Road and the widening of Avery Road north and south of Hayden Run Boulevard.

The project will have approximately 2,500 linear feet of five foot wide sidewalks on the south side of the Hayden Run Boulevard bridge and roadway and approximately 2,500 linear feet of a ten foot wide multi-use path on the north side. There will be no sidewalks or multi-use paths located on the Avery Road section of the project. There will be eight ADA curb ramps at the intersection of Hayden Run Boulevard and Avery Road.

The project originally examined the feasibility of an underpass for traversing the existing CSX railroad; however it was determined through the preliminary engineering work that an overpass would be the preferred alternative.

Future work to be performed includes the final alignment and design.

Because of the amount of work completed to date, advertising for professional engineering services would increase the design costs and cause delays to the project schedule. Through negotiations with EMH&T, the Department and EMH&T have agreed upon a contract amount of \$900,000.00 to complete the design and provide services during construction for Hayden Run Phase 2.

## **2. WAIVER OF COMPETITIVE BIDDING**

The original contract for this project was between Dominion Homes, Inc. and EMH&T (the Consultant). The purpose of contract was meeting the infrastructure improvement obligations associated with the Cosgray-Britton Connector (Hayden Run Phase 2) under the Memorandum of Understanding dated November 22, 2004. The remaining obligation for the design of the Cosgray-Britton Connector (Hayden Run Phase 2) will be the responsibility of the City of Columbus who will directly contract with EMH&T. EMH&T has already completed a full preliminary engineering study and has submitted line grade and typical plans. Contracting directly with EMH&T will be the most cost effective way to complete the design while meeting the project's timeline.

## **2. CONTRACT COMPLIANCE INFORMATION**

EMH&T's contract compliance number is 310685594 and expires 9/22/13.

## **3. FISCAL IMPACT**

Funding for this project is available within the Northwest Corridor/Pay as We Grow Fund, Number 771.

## **4. EMERGENCY DESIGNATION**

The Department of Public Service is requesting this ordinance to be considered an emergency measure to allow for execution of this contract necessary to facilitate the design of public right-of-way improvements.

To authorize the Director of Public Service to contract with EMH&T for the design of public infrastructure improvements in connection with the Hayden Run Phase 2 project in the amount of \$900,000.00; to authorize the appropriation of funds and expenditure of \$900,000.00 from the Northwest Corridor Pay as We Grow Fund; to waive the competitive bidding provisions of the Columbus City Code regarding professional services contracts; and to declare an emergency. (\$900,000.00)

**WHEREAS**, the Cosgray-Britton Connector (to Avery including Bridge), also known as Hayden Run Phase 2, is one of

several infrastructure improvement obligations delineated in a Memorandum of Understanding (MOU) dated November 22, 2004, by and between the City of Columbus, the Franklin County Engineer, M/I Homes of Central Ohio, LLC, Dominion Homes, Inc., Huntington Tower Associates, LLC, and Lifestyle Communities, Ltd as it relates to the geographic area covered by the Hayden Run Corridor Plan; and

**WHEREAS**, under the terms of the MOU, Dominion Homes, Inc. is required to assist the City of Columbus with expediting and coordinating the timely completion of Columbus improvements, including the design of Hayden Run Phase 2; and

**WHEREAS**, work performed to date on this project consists of providing preliminary engineering and initial design plans for the extension of Hayden Run Boulevard to Avery Road and the widening of Avery Road north and south of Hayden Run Boulevard; and

**WHEREAS**, the project includes 2,500 linear feet of five foot wide sidewalks on the south side of the Hayden Run Boulevard bridge and roadway, and 2,500 linear feet of a ten foot wide multi-use path on the north side, curb and gutter, storm sewers, street lighting and a new traffic signal at the intersection of Hayden Run Boulevard and Avery Road; and

**WHEREAS**, work to be performed by the consultant includes the final alignment and design of the Hayden Run Phase 2 project and services through construction; and

**WHEREAS**, this ordinance also authorizes the Director of Public Service to contract directly with EMH&T for this 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 this contract and the expenditure of such funds to maintain the project schedule and meet community commitments; thereby immediately 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 hereby is authorized to execute a professional service contract with Evans Mechwart Hambleton & Tilton Inc. (EMH&T), 5500 New Albany Road, Columbus, OH 43054, for engineering and design of public infrastructure improvements to be constructed in connection with the Hayden Run Phase 2 project in an amount up to \$900,000.00.

**SECTION 2.** That the competitive bidding provisions of Section 329.06 of the City Code be waived.

**SECTION 3.** The sum of \$879,070.10 be and is hereby appropriated from the unappropriated balance of the Northwest Corridor/Pay as We Grow Fund, Fund 771, 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 ending December 31, 2012 as follows:

| <u>Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount</u>                  |
|---|
| 771 / 771001-100000 / Dominion Homes - NW Corridor / 06-6600 / 590015 / \$290,674.22    |
| 771 / 771002-100000 / MI Homes-NW Corridor / 06-6600 / 590016 / \$179,885.00            |
| 771 / 771005-100000 / Lifestyles-NW Corridor / 06-6600 / 590022 / \$368,762.86          |
| 771 / 771006-100000 / EPCON Hayden Run LLC-NW Corridor / 06-6600 / 590021 / \$22,568.00 |
| 771 / 771007-100000 / Hayden Run Blvd Phase I / 06-6600 / 590023 / \$17,180.02          |

**SECTION 4.** That the transfer of cash and appropriation within Fund 771, the Northwest Corridor/ Pay as We Grow Fund be authorized as follows:

Transfer from:

**Fund / Project / Project Name / O.L. 01-03 Codes / OCA Code / Amount**

771 / 771001-100000 / Dominion Homes - NW Corridor / 06-6600 / 590015 / \$290,674.22  
771 / 771002-100000 / MI Homes-NW Corridor / 06-6600 / 590016 / \$179,885.00  
771 / 771005-100000 / Lifestyles-NW Corridor / 06-6600 / 590022 / \$368,762.86  
771 / 771006-100000 / EPCON Hayden Run LLC-NW Corridor / 06-6600 / 590021 / \$22,568.00  
771 / 771007-100000 / Hayden Run Blvd Phase I / 06-6600 / 590023 / \$38,109.92

Transfer to:

**Fund / Project / Project Name / O.L. 01-03 Codes / OCA Code / Amount**

771 / 771009-100000 / Hayden Run Phase II / 06-6682 / 740009 / \$900,000.00

**SECTION 5.** That the sum of up to \$900,000.00 is authorized to be expended for this contract as follows:

**Fund / Project / Project Name / O.L. 01-03 Codes / OCA Code / Amount**

771 / 771009-100000 / Hayden Run Phase II / 06-6682 / 740009 / \$900,000.00

**SECTION 6.** 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 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 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 9.** 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.