



## Legislation Details (With Text)

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**File #:** 0551-2017      **Version:** 1

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

**File created:** 2/23/2017      **In control:** Finance Committee

**On agenda:** 3/27/2017      **Final action:** 3/29/2017

**Title:** To amend the 2016 Capital Improvement Budget; to authorize the City Auditor to transfer funds within the Construction Management Capital Improvement Fund; to authorize the Finance and Management Director to modify a contract with Messer Construction Company for the 111 North Front Street building and parking garage project; to authorize the expenditure of \$3,000,000.00 from the Construction Management Capital Improvement Fund; and to declare an emergency. (\$3,000,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 0551-2017 Legislation Template

Date	Ver.	Action By	Action	Result
3/29/2017	1	CITY CLERK	Attest	
3/28/2017	1	MAYOR	Signed	
3/27/2017	1	COUNCIL PRESIDENT	Signed	
3/27/2017	1	Columbus City Council	Approved	Pass

**BACKGROUND:** This legislation authorizes the Finance and Management Director to modify a contract with Messer Construction Company in the amount of \$3 million for construction of the 111 North Front Street building and the parking garage at 141 N. Front Street. A modification of this construction contract is necessary due to unforeseen items related to the location and removal of an underground gasometer tank that is associated with the parking garage property. The underground gasometer tank held petroleum product that was used to supply fuel for the previous building on this site that was torn down years ago by previous owners. During excavation work, the underground tank was uncovered at the foundation for the current parking garage construction location. Although extensive soil borings were conducted, the original preliminary studies and site borings did not uncover the underground tank during the project design phase.

Due to the size of the gasometer tank, further testing, engineering and construction services were needed. Since this structure was an unknown factor in the original design and associated cost estimate, a contract modification is necessary to expand the scope of services. The contract scope will now include the removal of the gasometer tank, which required additional soil excavation, an increase in the number and size of piles to support construction of the garage, as well as additional construction tie backs, soil remediation, soil testing, soil backfill and compaction.

The original contract with Messer Construction Company was formally bid and was established pursuant to Ordinance 1792-2015.

<b>Original Contract Amount (1792-2015):</b>	\$73,750,000.00
Modification No. 1 (2281-2015):	\$354,000.00
Modification No. 2 (current):	\$3,000,000.00
<b>Total (Original and Modifications 1&amp;2):</b>	<b>\$77,104,000.00</b>

**Emergency action** is requested so that this construction project is adequately funded and construction can continue without delay.

Messer Construction Company Contract Compliance No. 31-0740877, expiration date 09/01/18

**Fiscal Impact:** The ordinance authorizes a contract modification with Messer Construction Company in the amount of \$3 million from the Capital Improvement Fund to complete the construction project for the building at 111 North Front Street and the associated parking garage at 141 N. Front Street. This modification is necessary due to the unforeseen underground gasometer tank that was located under the parking garage property. The current project contingency amount is not sufficient to cover the cost of this modification. The Department of Finance and Management has \$3 million available in the capital fund for these expenditures.

To amend the 2016 Capital Improvement Budget; to authorize the City Auditor to transfer funds within the Construction Management Capital Improvement Fund; to authorize the Finance and Management Director to modify a contract with Messer Construction Company for the 111 North Front Street building and parking garage project; to authorize the expenditure of \$3,000,000.00 from the Construction Management Capital Improvement Fund; and to declare an emergency. (\$3,000,000.00)

**WHEREAS**, the original contract with Messer Construction Company was formally bid and was established pursuant to Ordinance 1792-2015; and

**WHEREAS**, it is necessary to modify the contract with Messer Construction Company due to an unforeseen underground gasometer tank that was encountered during construction of the parking garage, and

**WHEREAS**, it is necessary to authorize the expenditure of \$3,000,000.00 from the Construction Management Capital Improvement Fund; and

**WHEREAS**, it is necessary to authorize the City Auditor to transfer funds within the Construction Management Capital Improvement Fund; and

**WHEREAS**, it is necessary to amend the 2016 CIB Improvement Budget; and

**WHEREAS**, an emergency exists in the usual daily operation of the Finance and Management Department, Office of Construction Management, in that it is immediately necessary to authorize the Finance and Management Director to modify a contract with Messer Construction Company so that this construction can continue without delay, 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 Finance and Management Director is hereby authorized to modify a contract, on behalf of the Office of Construction Management, with Messer Construction Company for construction of the 111 North Front Street building and parking deck project.

**SECTION 2.** That the 2016 Capital Improvement Budget be amended as follows:

**Fund 7733**

**Project Number / Project / Current CIB Authority / Amendment Amount / Revised CIB Amount**

570068 - 100000/Citywide Occupational Safety & Health Clinic/Unvoted Carryover/\$1,225,000/(\$1,225,000)/\$0

570031 - 100002/City Hall Renovations - HVAC/Unvoted Carryover/\$802,633/(\$510,368)/\$292,265

570066 - 100000/111 North Front Street-New Building Construction/Unvoted Carryover/\$996,908/\$1,735,368/  
\$2,732,276

**SECTION 3.** That the transfer of \$1,735,367.67 in cash and appropriation is hereby authorized between projects within the Construction Management Capital Improvement Fund 7733 per the account codes in the attachment to this ordinance:

**See Attached File: Ord 0551-2017.xls**

**SECTION 4.** That the expenditure of \$3,000,000.00, or so much thereof that may be necessary in regards to the action authorized in SECTION 1, is hereby authorized in the Construction Management Capital Improvement Fund 7733, Sub Fund 000000 in Object Class 06 - Capital Outlay, per the accounting codes in the attachment to this ordinance.

**See Attached File: Ord 0551-2017.xls**

**SECTION 5.** That the monies in the foregoing Sections shall be paid upon order of the Director of Finance and Management, 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 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 for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared an emergency measure and shall take effect and be enforced from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.