



Legislation Details (With Text)

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File created: 9/26/2017 **In control:** Public Service & Transportation Committee
On agenda: 10/30/2017 **Final action:** 11/2/2017
Title: To authorize the Director of the Department of Public Service to modify a Construction Contribution Agreement with MORSO Holding Co. in connection with the Stelzer Road and Easton Way Intersection Improvements project; to, as necessary, provide a refund to MORSO Holding Co. after the project and final accounting are complete; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|----------|--------|
| 11/2/2017 | 1 | CITY CLERK | Attest | |
| 11/1/2017 | 1 | MAYOR | Signed | |
| 10/30/2017 | 1 | COUNCIL PRESIDENT | Signed | |
| 10/30/2017 | 1 | Columbus City Council | Approved | Pass |

1. BACKGROUND

This ordinance seeks authorization for the Director of Public Service to modify a contribution agreement and to accept additional funding from MORSO Holding Co. relative to the construction of the Stelzer Road and Easton Way Intersection Improvements (the "Project").

Pursuant to Ordinance No. 1088-2017, the City and MORSO Holding Co. entered into a Construction Contribution Agreement, effective June 9, 2017 (the "Agreement"), whereby MORSO Holding Co. agreed to deposit funds with the City in the amount of \$860,073.18 toward the completion of the Project.

In September 2017, the City accepted bids for the Project, and the lowest, responsive, responsible, and best bid was higher than the original estimate of construction costs. As a result, it is necessary for MORSO Holding Co. to contribute additional funds to support that effort.

This ordinance authorizes the Department of Public Service to modify the Agreement with MORSO Holding Co. and to accept additional funds in the amount of \$42,173.88, for a total developer contribution of \$902,247.06.

2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for MORSO Holding Co. is CC005390, which expires on April 28, 2019.

3. FISCAL IMPACT

The estimated cost to complete the Project is \$1,402,247.06, with MORSO Holding Co. contributing a total of \$902,247.06 thereto. MORSO Holding Co. already has deposited \$860,073.18 with the City pursuant to the terms of the Agreement authorized by Ordinance No. 1088-2017 and will contribute an additional \$42,173.88 to support the Project.

4. EMERGENCY DESIGNATION

The Department of Public Service is requesting emergency action be taken in order to allow construction of the project to

proceed immediately, thereby allowing the City and MORSO Holding Co. to maintain the current project schedule and to meet community commitments.

To authorize the Director of the Department of Public Service to modify a Construction Contribution Agreement with MORSO Holding Co. in connection with the Stelzer Road and Easton Way Intersection Improvements project; to, as necessary, provide a refund to MORSO Holding Co. after the project and final accounting are complete; and to declare an emergency. (\$0.00)

WHEREAS, Ordinance No. 1088-2017 authorized the Director of Public Service to enter into a Construction Contribution Agreement with MORSO Holding Co. and to accept funds required for the City to construct the Stelzer Road and Easton Way Intersection Improvements (the "Project") in the amount of \$860,073.18; and

WHEREAS, in September 2017, the City accepted bids for the Project, and the lowest, responsive, responsible, and best bid was higher than the original estimate of construction costs; and

WHEREAS, the Developer has agreed to contribute additional funds in the amount of \$42,173.88, for a total contribution of \$902,247.06 to support the completion of the Project; and

WHEREAS, it is necessary to authorize the Director of Public Service to modify the Construction Contribution Agreement and accept additional funding from MORSO Holding Co. for that purpose; 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 execution of said modification and the acceptance of the requisite additional funds to construct the Project in order to maintain the project schedule and to 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 the Department of Public Service be and hereby is authorized to modify a Construction Contribution Agreement with MORSO Holding Co., Three Limited Parkway, Gahanna, Ohio 43230; to accept additional funding for a public infrastructure improvement project in connection with the Stelzer Road and Easton Way Intersection Improvements project; and to, as necessary, provide a refund to MORSO Holding Co. after the Project and final accounting are complete.

SECTION 2. 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 3. 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 4. 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 5. 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.