



Legislation Text

File #: 1236-2007, **Version:** 1

Background: This legislation authorizes the Public Service Director to increase the expenditure amount by \$183,435.00 for the Guaranteed Maximum Cost Agreement with NWD Investments LLC for the construction of public streetscape improvements at 275 Marconi Boulevard and across the Norfolk & Southern railroad line where it intersects Marconi Boulevard for the Transportation Division. The private development project associated with this public streetscape work involves the construction of an \$18 million, six-story, 130,000 square foot owner-occupied office building at 275 Marconi Boulevard in the Arena District. Public streetscape improvements include the construction of a pedestrian-only crossing to cross the railroad line at Marconi Boulevard and the construction of a new access entrance to an existing underground sewer line located within the Marconi Boulevard public right-of-way. Previously, ordinance 1797-2005 adopted by City Council provided \$400,000.00 of Downtown Streetscape Program funding for the construction of these public streetscape improvements.

During the construction of the new access entrance and its connection to the underground sewer line, an additional \$183,435.00 was expended by NWD Investments, LLC to complete the project. NWD Investments, LLC is seeking reimbursement of this \$183,435.00 with an increase of the previous GMCA. This increase will be provided through funds in the City's Downtown Streetscape Program.

NWD Investments' contract compliance number is 311-580283 and it expires on 6/7/08.

More information is contained on the attached Detailed Project Description document. The Development Department has identified and negotiated this Agreement and the Public Service Department will enter into contract and administer the Agreement. The formal competitive bidding requirements of Chapter 329 of the City Code are being waived for the procurement of engineering and construction services pursuant to this Guaranteed Maximum Cost Agreement.

Emergency Action is requested to provide for timely streetscape construction.

Fiscal Impact: This expense is budgeted in the Voted 1995, 1999, 2004 Streets and Highways Fund, Fund 704, Downtown Streetscape project.

To authorize the Public Service Director to increase an existing Guaranteed Maximum Cost Agreement with the NWD Investments LLC for the construction of public streetscape improvements at 275 Marconi Boulevard and across the Norfolk & Southern railroad line where it intersects Marconi Boulevard; to waive the competitive bidding requirements of the Columbus City Code, 1959; to authorize the expenditure of an additional \$183,435.00 from the Voted 1995, 1999, 2004 Streets and Highways Fund; and to declare an emergency. (\$183,435.00)

WHEREAS, the need exists to increase the existing Guaranteed Maximum Cost Agreement for the construction of public streetscape improvements at the 275 Marconi Boulevard and across the Norfolk & Southern railroad line where it intersects Marconi Boulevard; and

WHEREAS, this project provides improvements to the public right-of-way that greatly enhance the appearance of the public pedestrian environment; and

WHEREAS, these public streetscape improvements complement the adjacent \$18 million private sector investment at 275 Marconi Boulevard; and

WHEREAS, in order to allow these public streetscape projects and their adjacent private sector projects to proceed on schedule,

streetscape construction agreements were negotiated, conditioned on the City's ability to fund new projects and City Council approval of the necessary legislation; and

WHEREAS, it is in the best interest of the city to waive the formal competitive bidding requirements of the Columbus City Code, 1959, and that this agreement be awarded in accordance with Section 186 of the Columbus City Charter; and

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department, Transportation Division, in that it is immediately necessary that this Guaranteed Maximum Cost Agreement be authorized to provide for timely streetscape construction, 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 Public Service Director be and is hereby authorized to increase by \$183,435.00 the amount of an existing Guaranteed Maximum Cost Agreement with NWD Investments LLC for the construction of public streetscape improvements at 275 Marconi Boulevard and across the Norfolk & Southern railroad line where it intersects Marconi Boulevard for the Transportation Division to total \$583,435.00 for this agreement pursuant to Section 186 of the Columbus City Charter.

SECTION 2. That in accordance with Section 329.27 of the Columbus City Code, City Council has determined that it is in the best interest of the City of Columbus that the formal competitive bidding requirements of Chapter 329 be and are hereby waived for the procurement of engineering and construction services pursuant to this Guaranteed Maximum Cost Agreement.

SECTION 3. That the expenditure of \$183,435.00, or so much thereof as may be necessary be and is hereby authorized and approved as follows:

Division/ Fund / OCA Code / O.L. 1 Code / O.L. 3 Code / Project No. / Project Title / Amount

59-09/ 704 / 644385 / 06 / 6631/ 530801 / Downtown Streetscape Improvements / \$183,435.00

SECTION 4. 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 5. That for the reasons stated in the preamble thereto, which is hereby made a part hereof, this ordinance is 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.