



Legislation Text

File #: 3061-2023, **Version:** 1

Background: This ordinance authorizes the Director of the Recreation and Parks Department to modify the existing contracts with CK Construction Group, Inc. ("CK Construction Group") for the Kilbourne Run Sports Park Improvements Project. The modification amount being authorized by this ordinance is \$5,730,912.00 for the CK Construction Group contract.

Kilbourne Run Sports Park, located at 4625 Westerville Road, is a soccer specific facility that stretches over 62 acres with 35 of those acres dedicated to athletic space. The park currently contains 16 fields of various sizes, gravel parking lots, an existing shelter, a two story vacant commercial building, as well as, a building used for concessions and storage. Recreation and Parks is updating Kilbourne Run Sports Park to include prime fields and facilities that will increase access to soccer and other field sports for the Columbus Community. This will position Columbus as a destination for regional tournaments. The Recreation and Parks Department previously entered into contract with DLZ Ohio to complete design services and to aid the Department in project delivery. Design will continue through spring of 2024. The work on site is scheduled to begin in spring 2024 and it is the intent that the improved Kilbourne Run Sports Park will open in the spring of 2025.

This is a Construction Manager at Risk (CMAR) Contract. This delivery method will save the project money and time compared to a traditional Design Bid Build delivery. This is one of three planned modifications for the project's guaranteed maximum price. This modification will cover costs for site clearing and demolition. It will also cover procurement of long lead time items such as HVAC equipment, a traffic signal, and electrical equipment.

This modification was foreseen due to the nature of the CMAR contracts. The modification fee was determined by the CMAR's lowest and best bid results from the scoped subcontracted work.

Principal Parties:

CK Construction Group
6245 Westerville Road
Westerville, Ohio 43081
James Negron, (614) 901-8844
Contract Compliance Number: 006875
Contract Compliance Expiration Date: August 23, 2025

Emergency Justification: Emergency action is requested to address the immediate need to secure long lead time supply chain items and minimize the escalation of costs for construction materials.

Benefits to the Public: This project benefits the public by significantly enhancing the soccer amenities and outdoor sports programs the City can offer to the public. Additionally, these improvements set the City of Columbus up to be a major destination for soccer programs and tournaments for all levels of play.

Community Input/Issues: Input for this project was primarily gathered through the Columbus Community Sports Park feasibility study conducted by Conventions, Sports, and Leisure International (CSLI) and managed by the Recreation and Parks Department in the summer of 2021. Input was also received by internal Recreation and Parks stakeholders and the Mayor's Office.

Area(s) Affected: Northland (35)

Master Plan Relation: This project will support the Recreation and Parks Master Plan by addressing the need to update five neighborhood parks per year and updating sports related parks to keep them in line with the revenue that they produce.

Fiscal Impact: \$70,276.54 is budgeted and available in the Recreation and Parks Voted Bond Fund 7712 to meet the obligations of part of this contract. The remainder of the funding for this project, in the amount of \$5,660,635.46, is budgeted within the 2023 Capital Improvements Budget. The funds will not be available to Recreation and Parks until the proceeds of the 2023-2024 bond sale are available at a future date. Therefore, it is necessary to certify the required funds, in the amount of \$5,660,635.46, against the Special Income Tax Fund 4430. Upon the sale of bonds, this will be reimbursed.

The expenditure of \$29,475.00 was legislated for the Kilbourne Run Sports Park Improvement Project by Ordinance 1801-2023. This ordinance will provide funding that will modify the previously authorized amount by \$5,730,912.00. The aggregate total amount authorized, including this modification, is \$5,760,387.00.

To authorize the Director of the Recreation and Parks Department to modify the existing contract with CK Construction Group, Inc. for the Kilbourne Run Sports Park Improvements Project; to authorize the transfer of \$5,660,635.46 between the Special Income Tax and the Recreation and Parks Bond Funds; to authorize the transfer of \$70,276.54 within the Recreation and Parks Voted Bond Fund; to authorize the amendment of the 2023 Capital Improvements Budget; to authorize the expenditure of \$5,730,912.00 from the Recreation and Parks Voted Bond Fund; and to declare an emergency. (\$5,730,912.00)

WHEREAS, it is necessary to authorize the Director of the Recreation and Parks Department to modify the existing contract with CK Construction Group, Inc. for the Kilbourne Run Sports Park Improvements Project; 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 construction of the project described in this ordinance (the "Project"); and

WHEREAS, it is necessary to authorize the transfer of \$5,660,635.46 between the Special Income Tax Fund, Fund 4430, and the Recreation and Parks Bond Fund, Fund 7712; and

WHEREAS, it is necessary to authorize the transfer of \$70,276.54 within the Recreation and Parks Voted Bond Fund 7712; and

WHEREAS, it is necessary to authorize the amendment of the 2023 Capital Improvements Budget Ordinance 1711-2023 in order to provide sufficient budget authority for this and future projects; and

WHEREAS, it is necessary to authorize the expenditure of \$5,730,912.00 from the Recreation and Parks Voted Bond Fund 7712; and

WHEREAS, an emergency exists in the usual daily operations of the Recreation and Parks Department in that it is immediately necessary to authorize the Director to modify the existing contract with CK Construction Group to address the immediate need to secure long lead time supply chain items and minimize the escalation of costs for construction materials, all for the immediate preservation of the public health, peace, property, and safety; **NOW, THEREFORE,**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of the Recreation and Parks Department be and is hereby authorized to modify an

existing contract with CK Construction Group, Inc. for the Kilbourne Run Sports Park Improvement Project.

SECTION 2. That from the unappropriated monies and from all monies estimated to come into said funds from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2023, the sum of \$5,660,635.46 is appropriated in Fund 4430, Special Income Tax, in Object Class 10 Transfer Out Operating, and in Fund 7712, Recreation and Parks Bond Fund, in Object Class 06 Capital Outlay per the account codes in the attachment to this ordinance.

SECTION 3. That the transfer of \$5,660,635.46 or so much thereof as may be needed, is hereby authorized between the Special Income Tax Fund, Fund 4430, and the Recreation and Parks Bond Fund, Fund 7712, per the account codes in the attachment to this ordinance.

SECTION 4. That the City Auditor is hereby authorized to transfer said funds to the Recreation and Parks Voted Bond Fund 7712, at such time as is deemed necessary by the City Auditor, and to expend said funds, or so much thereof as may be necessary.

SECTION 5. That upon obtaining other funds from the 2023-2024 Bond Sale for the City of Columbus, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 3.

SECTION 6. 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 \$5,660,635.46 (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 7. 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 8. 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 9. 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 10. That the transfer of \$70,276.54 or so much thereof as may be needed, is hereby authorized between projects within the Recreation and Parks Bond Fund 7712 per the account codes in the attachment to this ordinance.

SECTION 11. That the 2023 Capital Improvements Budget Ordinance 1711-2023 is hereby amended as follows in order to provide sufficient budget authority for this ordinance and future projects.

Fund / Project / Project Name / Current Revised Authority / Current Remaining Authority / Change / Amended Revised Authority / Amended Remaining Authority

Fund 7712; P511008-202201; Barnett Roof Replacement (Voted Carryover) / \$194 / \$1 / \$192 / \$386 / \$193 (to match cash)

Fund 7712; P512004-100000; Community Sports Park (Voted Carryover) / \$0 / \$0 / \$103,388 / \$103,388 / \$103,388 (to match cash)

Fund 7712; P511008-202201; Barnett Roof Replacement (Voted Carryover) / \$386 / \$193 / (\$193) / \$193 / \$0

Fund 7712; P512004-100000; Community Sports Park (Voted Carryover) / \$103,388 / \$103,388 / (70,083) / \$33,305 / \$33,305

Fund 7712 / P512004-202201 / Kilbourne Run Sports Park (Voted Carryover) / \$677,109 / \$0 / \$70,276 / \$747,385 / \$70,276

SECTION 12. That for the purpose stated in Section 1, the expenditure of \$5,730,912.00 or so much thereof as may be necessary to pay the cost thereof, be and is hereby authorized from the Voted Recreation and Parks Bond Fund 7712 in object class 06 Capital Outlay per the accounting codes in the attachment.

SECTION 13. 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 10 days after passage if the Mayor neither approves nor vetoes the same.