



## Legislation Text

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**File #: 0438-2009, Version: 1**

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### 1. BACKGROUND

The Departments of Public Service and Public Utilities are currently in the process of constructing the River South Phase 1 project. Pursuant to section 3 of an MOU dated May 30, 2008 between the City of Columbus and Lifestyle Communities, the City of Columbus has determined it to be in the City's best interest to enter into contract with Lifestyle Communities for purposes of constructing improvements to the public rights of way surrounding the Developer's Annex at River South Development designated as River South Phase 1 Part 2 project.

This ordinance authorizes the Director of Public Service to enter into a maximum cost reimbursement agreement with Lifestyle Communities, and the expenditure of up to \$605,415.14 for the estimated cost of construction, inspection, and performance and payment bond cost of capital improvements in the River South area. These improvements include, but are not limited to concrete walks, curb ramps, detectable warning surface, brick pavers, and landscaping on Wall Street, Ludlow Street, Rich Street, and Front Street and electrical conduit and a manhole on Walnut Street.

A guaranteed maximum cost reimbursement agreement with Lifestyle Communities, requires them to construct the public improvements on the City's behalf based on bid prices established within the competitively procured contract for the River South Phase 1 project and subject to the reimbursement agreement with the City. This ordinance also waives formal competitive bidding requirements of the City Code with respect to entering this agreement and the construction of public infrastructure improvements.

### 2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Lifestyle Communities is 311468514 and expires April 10, 2011.

**3. FISCAL IMPACT:** The maximum amount of the reimbursement provided within the guaranteed maximum cost agreement authorized to be expended by this ordinance is \$605,415.14. The Division of Design and Construction will provide \$563,565.14, of which \$481,679.61 is for construction and construction force account, \$72,251.94 is for construction inspection and \$9,633.59 is for performance and payment bond cost. The Division of Power and Water will contribute \$41,850.00 for electrical work. Funds in the amount of \$563,565.14 for the Division of Design and Construction's portion of the project are available due to cancellation of encumbrances from completed projects within the Streets and Highways G.O. Bonds Fund. Funds in the amount of \$41,850.00 for the Division of Power and Water's portion are available from the Division of Power and Water's Electricity Permanent Improvement Fund.

### 4. EMERGENCY DESIGNATION

The Department of Public Service is requesting this ordinance to be considered an emergency measure in order to allow for immediate execution of this agreement which is necessary to facilitate the cooperative construction of public right-of-way improvements that maximize the use of public and private resources in the RiverSouth Area. Failure to execute this agreement may likely lead to increased construction costs if the City's contractor is required to work in the same project limits as Lifestyle's contractor; increased maintenance of traffic and delays in completing both the city's project and Lifestyle's private development.

To authorize the Director of Public Service to enter into a guaranteed maximum cost reimbursement agreement pursuant to Section 186 of the Columbus City Charter with Lifestyle Communities, for public infrastructure improvements to be constructed in connection with the River South Phase 1 Part 2 project in the amount of \$605,415.14; to waive the formal competitive bidding requirements of the City Code with respect to said agreement and improvements contemplated therein; to amend the 2008 Capital Improvements Budget; to authorize the transfer of \$404,603.49 within the Streets and Highways G.O. Bonds Fund; and to authorize the expenditure of \$605,415.14 or so much thereof as may be needed from the Streets and Highways G.O. Bonds Fund for the Division of Design and Construction and the Electricity Permanent Improvement Fund for the Division of Power and Water for these improvements; and to declare an emergency. (\$605,415.14)

**WHEREAS**, the Departments of Public Service and Public Utilities are currently undertaking utility and roadway improvements in downtown area known as the River South District; and

**WHEREAS**, the City Columbus has determined that the need exists and it is in the CITY'S best interest to enter into a Guaranteed Maximum Cost agreement with Lifestyle Communities for purposes of constructing improvements to the public rights of way surrounding the Developers Annex at River South Development; and

**WHEREAS**, this ordinance authorizes the Director of Public Service to enter into a guaranteed maximum cost agreement for this purpose; and

**WHEREAS**, the City of Columbus will contribute up to \$605,415.14 for the construction of these public infrastructure improvements, including landscaping, concrete walks, curb ramps, detectable warning surface, brick pavers, landscaping, erosion control, and installation of electrical conduit and a manhole; and

**WHEREAS**, an emergency exists in the usual daily operation of the Public Service Department, Division of Design and Construction, in that it is immediately necessary to authorize said guaranteed maximum cost reimbursement agreement and the expenditure of such funds to maintain the project schedule and meet community commitments; 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 Director of Public Service be and hereby is authorized to enter into a guaranteed maximum cost reimbursement agreement pursuant to Section 186 of the Columbus City Charter with Lifestyle Communities, for public infrastructure improvements to be constructed in connection with the River South Phase I Part 2 project at a cost not to exceed \$605,415.14. This amount includes Performance and Payment Bond Cost of \$9,633.59 and Inspection Fees of \$72,251.94.

**Section 2.** That the 2008 Capital Improvements Budget established within ordinance 0690-2008 be and hereby is amended due to cancellation of encumbrances as follows:

Project Number / Project / Current CIB Amount / amendment amount / CIB amount as amended

530282-100000 / Resurfacing (Carryover) / \$15,350,001.00 (Carryover) / \$751,443.00 (Carryover) / \$16,101,444.00 (Carryover)  
530161-100000 / Roadway Improvements (Carryover) / \$6,370,417.00 (Carryover) / \$215,968.00 (Carryover) / \$6,586,385.00 (Carryover)

**Section 3.** That the 2008 Capital Improvements Budget established within ordinance 0690-2008 be and hereby is amended to provide funding for this project as follows:

Project Number / Project / Current CIB Amount / amendment amount / CIB amount as amended

530282-100000 / Resurfacing (Carryover) / \$16,101,444.00 (Carryover) / (\$404,604.00) (Carryover) / \$15,696,840.00 (Carryover)  
530161-100000 / Roadway Improvements (Carryover) / \$6,586,385.00 (Carryover) / \$404,604.00 (Carryover) / \$6,990,989.00 (Carryover)

**Section 4.** That the 2008 Capital Improvements Budget is hereby amended as follows:

Project No. | Project Name | Current Authority | Revised Authority | change

671161-100000 | Children's Hospital Circuit Conversion | \$ 90,250 | \$ 48,400 | -\$41,850  
670790-100000 | River South Phase I/Front St. | \$0 | \$41,850 | + \$41,850

**Section 5.** That the transfer of \$404,603.49 within Fund 704 the Streets and Highways G.O. Bonds Fund, Department No. 59-12, Division of Design and Construction, be and hereby is authorized as follows:

TRANSFER FROM:

project number / project / Object Level 01/03 Codes / OCA Code / Amount

530282 / Resurfacing / 06/6600 / 590048 / \$404,603.49

TRANSFER TO:

project number / project / Object Level 01/03 Codes / OCA Code / Amount

530161 / Roadway Improvements / 06/6600 / 590046 / \$404,603.49

**Section 6.** That the City Auditor is hereby authorized and directed to transfer \$41,850.00 within the Permanent Improvement Fund,

Fund No. 565 Object Level Three 6621, Division of Power and Water, Division 60-07, as follows:

**Project No. | Project Name | OCA Code | change**

671161 | Children's Hospital Circuit Conversion | 565161 | -\$41,850.00

670790 | River South Phase I/Front St. | 565790 | +\$41,850.00

**Section 7.** That for the purpose of constructing the electrical portion of this project the expenditure of \$41,850.00 or so much thereof as may be needed is hereby authorized by the Division of Power and Water, Dept.-Div 60-07 as follows:

**Fund Number / project number / project / Object Level 01-03 Codes / OCA Code / Amount**

565 / 670790 / River South Phase I Front St. / 06-6621/ 565790 / \$41,850.00

**Section 8.** That for the purpose of constructing the streetscape portion of this project (\$481,679.61), performance and payment bond cost (\$9,633.59), and Inspection Fees (\$72,251.94), the sum of \$563,565.14 or so much thereof as may be needed is hereby authorized as follows:

**Fund Number / project number / project / Object Level 01-03 Codes / OCA Code / Amount**

704 / 530161 / Roadway Improvements / 06-6631 / 590046 / \$563,565.14

**Section 9.** That this Council finds to be in the best interests of the City of Columbus that the formal competitive bidding provisions of the City Code be waived and hereby waives Section 329 with respect to this guaranteed maximum cost reimbursement agreement and public infrastructure improvements contemplated therein.

**Section 10.** 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 11.** 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.