



## Legislation Text

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**File #:** 1273-2021, **Version:** 1

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### **1. BACKGROUND**

This ordinance authorizes: 1) the Director of Public Service to accept deposits from NWD Investments LLC (NWD) to be used for construction inspection and administration for the Pedestrian Safety Improvements - John H McConnell Boulevard Sidewalk project; 2) the establishment of an Auditor Certificate Direct Invoice (ACDI) for the payment of construction inspection and administration services for the project; and 3) the expenditure of funds for the aforementioned purpose. It also authorizes the refund of any unused funds deposited by NWD for construction inspection and administration for this project upon the completion of final accounting for the Pedestrian Safety Improvements - John H McConnell Boulevard Sidewalk project or when the Department of Public Service determines remaining funds are no longer needed for construction inspection and administration for the project.

The aforementioned effort will culminate in the construction of sidewalk along the west side of John H McConnell Blvd north of Spring Street to New Public Lane. Other improvements will include curb ramps, curb, retaining wall, street trees, lighting, and may include storm water drainage improvements. NWD will oversee the construction of the project, and the Department of Public Service will perform the requisite construction administration and inspection services relative to that effort.

NWD recently deposited \$59,770.40 with the City Treasurer to support the performance of those services. An ordinance authorizing the execution of a Construction Guaranteed Maximum Reimbursement Agreement with NWD will be submitted to Council for approval at a later date. The purpose of this legislation is to make said funds available for use. This ordinance also authorizes, as necessary, the issuance of a refund of any unexpended inspection funds or the acceptance, appropriation, and expenditure of additional inspection funding should the actual cost of said services exceed the sum available for that purpose without requiring additional legislative action.

### **2. FISCAL IMPACT**

The City has received funding in the amount of \$59,770.40 from NWD for the inspection expenses and deposited said funds in Fund 7766, the Street and Highway Non-Bond Fund, Project P590105-100453 (Pedestrian Safety Improvements - John H McConnell Boulevard Sidewalk). It is necessary to amend the 2020 Capital Improvement Budget to establish sufficient budget authority for this project. The funds also need to be appropriated.

### **3. EMERGENCY DESIGNATION**

Emergency action is requested so as to prevent unnecessary delays in the completion of the aforementioned project.

To amend the 2020 Capital Improvement Budget; to accept and appropriate funds received from NWD Investments LLC for construction inspection and administration services in connection to the Pedestrian Safety Improvements - John H McConnell Boulevard Sidewalk; to authorize the expenditure of \$59,770.40 from the Street and Highway Improvement Non-Bond Fund; to refund unused construction inspection and administration funds upon final acceptance of work; and to declare an emergency. (\$59,770.40)

**WHEREAS**, NWD Management Company is administering the construction of the Pedestrian Safety Improvements - John H McConnell Boulevard Sidewalk project, which encompasses the construction of sidewalk along the west side of John H McConnell Blvd north of Spring Street to New Public Lane and various other infrastructure improvements; and

**WHEREAS**, the Department of Public Service will be performing construction administration and inspection services relative to that effort; and

**WHEREAS**, NWD recently deposited funds with the City Treasurer to support the performance of construction administration and inspection services; and

**WHEREAS**, it is necessary to accept and appropriate funds received from NWD for construction inspection and administration expenditures relative to the project; and

**WHEREAS**, it is necessary to amend the 2020 Capital Improvement Budget to establish sufficient budget authority; and

**WHEREAS**, an ACDI needs to be established to pay for construction inspection and administration expenses relative to the project; and

**WHEREAS**, this legislation also authorizes, if necessary, the return of the unexpended balance of the inspection funds deposited with the City Treasurer by NWD or the acceptance of additional funding from NWD should the aforementioned sum prove insufficient to pay the actual costs of construction administration and inspection services; 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 appropriation and expenditure of requisite funds to support the performance of construction administration and inspection services so as to prevent unnecessary delays in the completion of the aforementioned project, 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 2020 Capital Improvement Budget authorized by Ordinance 2521-2020 be amended as follows to establish sufficient authority for this project:

**Fund / Project / Project Name / Current / Change / Amended**

7766 / P590105-100453 / Pedestrian Safety Improvements - John H McConnell Boulevard Sidewalk (Street & Highway Imp Carryover) / \$0.00 / \$59,771.00 / \$59,771.00 (to match cash)

**SECTION 2.** That from the unappropriated monies and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2021, the sum of \$59,770.40 is appropriated in Fund 7766 (Street and Highway Improvement Non-Bond Fund), Dept-Div 5912 (Design and Construction), Project P590105-100453 (Pedestrian Safety Improvements - John H McConnell Boulevard Sidewalk), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 3.** That the Director of Public Service be and hereby is authorized to accept funds from NWD Investments LLC ("NWD"), 375 N. Front Street, Suite 200, Columbus, Ohio 43215, for the Pedestrian Safety Improvements - John H McConnell Boulevard Sidewalk project to be used for construction inspection and administration expenses in the amount of \$59,770.40. The amount deposited by NWD is an estimate of said expenses based on the apparent low bid for the project, and additional funds may be needed from NWD for that purpose.

**SECTION 4.** That the expenditure of \$59,770.40, or so much thereof as may be needed, is hereby authorized in Fund 7766 (Street and Highway Improvement Non-Bond Fund), Dept-Div 5912 (Design and Construction), Project P590105-100453 (Pedestrian Safety Improvements - John H McConnell Boulevard Sidewalk), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 5.** 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 6.** 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 7.** 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 8.** That the Director of Public Service be and is hereby authorized to, as necessary, 1) refund the unexpended balance of funds deposited with the City Treasurer by NWD to support the performance of construction administration and inspection services necessary to the successful completion of the Pedestrian Safety Improvements - John H McConnell Boulevard Sidewalk project after final accounting for the project is complete or upon certification from the Department of Public Service that any funds remaining on deposit are not needed and can be returned to NWD, or 2) accept additional funds from NWD to support the aforementioned services should the actual cost thereof exceed the sum referenced in preceding sections.

**SECTION 9.** That the City Auditor is hereby authorized to appropriate any additional funds that the City may receive from NWD for construction administration and inspection services relative to the Pedestrian Safety Improvements - John H McConnell Boulevard Sidewalk project and to establish an Auditor's Certificate (or multiple Auditor's Certificates if multiple future deposits should be received) for the expenditure of those funds without additional legislation. The Director of Public Service also is hereby authorized to expend the funds established on any of these Auditor Certificates for construction administration and inspection costs for this project without additional legislation.

**SECTION 10.** 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.