



Legislation Text

File #: 1180-2017, **Version:** 1

1. BACKGROUND

This ordinance seeks authorization for the Director of Public Service to amend a Construction Guaranteed Maximum Reimbursement Agreement with Edwards Communities Construction Company, LLC (the “Developer”) relative to the NCR Weinland Park (7th to 9th) project (the “Project”) and to encumber additional funds for the City to perform construction administration and inspection services pursuant to this effort.

Ordinance No. 0981-2017 authorized the Director of Public Service to enter into a Construction Guaranteed Maximum Reimbursement Agreement with the Developer and to encumber funds for the City to perform construction administration and inspection services in an amount totaling \$550,000.00 for the Project.

In April 2017, the City accepted bids for the Project on behalf of the Developer, and the lowest, responsive, responsible, and best bid substantially exceeded the engineer’s estimate of construction costs. The Department of Development has committed up to \$438,265.00 to fund the increased cost of construction and construction administration and inspection services.

This ordinance authorizes the Department of Public Service to modify the existing Construction Guaranteed Maximum Reimbursement Agreement with the Developer and to encumber additional funds for the City to perform construction administration and inspection services, for a total expenditure of \$988,265.00 to facilitate the completion of the Project.

2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Edwards Communities Construction Company, LLC is CC21143-142044, which expires July 22, 2017.

3. FISCAL IMPACT

Funds in the amount of \$438,265.00 are available for this project in the Streets and Highways Bond Fund within the Department of Public Service. An amendment to the 2017 Capital Improvements Budget is necessary for the purpose of providing sufficient spending authority for the aforementioned project expenditure.

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 the Developer to maintain the current project schedule and to meet community commitments.

To amend the 2017 Capital Improvements Budget; to authorize the City Auditor to transfer cash and appropriation between projects within the Streets and Highways Bond Fund; to authorize the Director of Public Service to modify an existing Construction Guaranteed Maximum Reimbursement Agreement with Edwards Communities Construction Company, LLC; to encumber additional funds to pay for construction administration and inspection services for the NCR Weinland Park (7th to 9th) project; to authorize the expenditure of \$438,265.00 from the Streets and Highways Bond Fund; and to declare an emergency. (\$438,265.00).

WHEREAS, Ordinance No. 0981-2017 authorized the Director of Public Service to enter into a Construction Guaranteed Maximum Reimbursement Agreement with Edwards Communities Construction Company, LLC (the “Developer”) and to encumber funds required for the City to perform construction administration and inspections services for the NCR Weinland Park (7th to 9th) project (the “Project”) in an amount up to \$550,000.00; and

WHEREAS, in April 2017, the City accepted bids for the Project on behalf of the Developer, and the lowest, responsive, responsible, and best bid substantially exceeded the engineer's estimate; and

WHEREAS, the Department of Development is committed to funding the increased costs of construction and construction administration and inspection services in the amount of \$438,265.00; and

WHEREAS, this ordinance authorizes the Director of Public Service to modify the Construction Guaranteed Maximum Reimbursement Agreement with the Developer and to encumber additional funds for the City to perform construction administration and inspection services, for a total expenditure of \$988,265.00 for the Project to facilitate the completion of the Project; and

WHEREAS, it is necessary to authorize an amendment to the 2017 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; 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 Director to modify the Construction Guaranteed Maximum Reimbursement Agreement with Edwards Communities Construction Company, LLC and to encumber additional funds for the City to perform construction administration and inspection services so as to maintain the current construction schedule, 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 2017 Capital Improvements Budget authorized by Ordinance 1124-2017 be and is hereby amended to provide sufficient budget authority for the appropriate projects authorized within this ordinance as follows:

Fund / Project / Project Name / C.I.B. / Change / C.I.B. as Amended

7704 / P590131-100003 / Misc Dev-American Addition Infrastructure (Unvoted Carryover) / \$1,087,445.00 / (\$438,265.00) / \$649,180.00

7704 / P530058-100002 / NCR Weinland Park 7th to 9th (Unvoted Carryover) / \$0.00 / \$438,265.00 / \$438,265.00

SECTION 2. That the transfer of \$438,265.00, or so much thereof as may be needed, is hereby authorized between projects within Fund 7704 Streets and Highways Bond Fund per the account codes in the attachment to this ordinance.

SECTION 3. That the Director of Public Service be and hereby is authorized to modify a Construction Guaranteed Maximum Reimbursement Agreement with Edwards Communities Construction Company, LLC, and to encumber additional funds for the City to perform construction administration and inspection services to facilitate the completion of the NCR Weinland Park (7th to 9th) project.

SECTION 4. That the expenditure of \$438,265.00, or so much thereof as may be needed, is hereby authorized in Fund 7704 Streets and Highways Bond Fund in Object Class 06 Capital Outlay per the accounting 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 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.