



## Legislation Text

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**File #:** 0817-2015, **Version:** 1

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**BACKGROUND:** This legislation authorizes the Finance and Management Director to modify a contract, on behalf of the Office of Construction Management, with Dore & Associates Contracting, Inc. to pay for costs related to an acceptable delay associated with the demolition of the 109 North Front Street building. Ordinance No. 1494-2013, passed by City Council on July 1, 2013, authorized the original contract.

The Office of Construction Management became aware of a previously unidentified asbestos-containing concrete floor topping in the 99 North Front Street portion of the overall demolition of the "109 N. Front Street Demolition Project". This negatively affected the city's ability to properly complete the demolition. The addition of asbestos to the concrete flooring was likely done while the building was constructed in 1927 to make the flooring lighter.

Despite an extensive and compliant review of environmental remediation laws and regulations by the American Standard of Heating, Refrigeration, and Air Conditioning Engineers (AFSRAE), this asbestos-containing concrete floor topping was not discovered until the demolition project was well underway. The professional services for the city's demolition plan were performed by HKI Associates and their sub-consultant Lawhon & Associates. Neither they nor the demolition contractor, Dore & Associates, had encountered this type of construction material locally.

After demolishing the asbestos free areas (other than the 99 North Front Street portion), the heavy demolition equipment provided by Dore & Associates Contracting, Inc. sat idle while removal of the floor topping was completed. A modification of the contract is necessary to compensate Dore & Associates Contracting, Inc. due to the additional time involved with removing the asbestos containing lightweight concrete floor topping and the subsequent delay in demolishing the balance of the building shell.

Even factoring in this delay claim, the city saved money by rejecting Dore & Associates Contracting's proposal of \$750,000 to remove the asbestos containing material and having the work performed by others for \$300,000. The overall realized savings is approximately \$352,000 ( $\$750,000 - \$300,000 - \$98,000 = \$352,000$ ).

**Emergency action** is requested to pay the contractor, as the work is already complete.

Dore & Associates Contract Compliance No. 38-1366164, expiration date March 10, 2017.

**Fiscal Impact:** The cost of this modification is \$98,000.00. Funding is available in the Construction Management Capital Improvement Fund.

To authorize the Finance and Management Director to modify a contract, on behalf of the Office of Construction Management, with Dore & Associates Contracting, Inc., for additional costs related to the demolition of the 109 North Front Street Building; to authorize the expenditure of \$98,000.00 from the Construction Management Capital Improvement Fund; and to declare an emergency. (\$98,000.00)

**WHEREAS**, Ordinance No. 1494-2013, passed by City Council on July 1, 2013, authorized the original contract with Dore & Associates Contracting, Inc. for the demolition of the 109 North Front Street Building;

**WHEREAS**, it is necessary to modify said contract to reimburse the contractor for costs related to an acceptable delay associated with the demolition of the 109 North Front Street building for which work is already complete; and

**WHEREAS**, an emergency exists in the usual daily operation of the Finance and Management Department in that it is immediately necessary to modify a contract on behalf of the Office of Construction Management with Dore & Associates Contracting, Inc. for additional costs related to the demolition of the 109 North Front Street building, 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 Finance and Management Director is hereby authorized and directed to modify a contract on behalf of the Office of Construction Management with Dore & Associates Contracting, Inc. for the demolition of the 109 North Front Street building.

**SECTION 2.** That the expenditure of \$98,000.00, or so much thereof as may be necessary in regard to the action authorized in SECTION 1, be and is hereby authorized and approved as follows:

Division: 45-50

Fund: 733

Project: 570030-100120

OCA Code: 733120

Object Level 1: 06

Object Level 3: 6620

Amount: \$98,000.00

**SECTION 3.** 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 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 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 6.** That for 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 or vetoes the same.