



Legislation Text

File #: 2724-2012, Version: 1

1. BACKGROUND

This ordinance authorizes the Director of Public Service to waive the competitive bidding requirements of Columbus City Code Section 329 and enter into a contract with Evans, Mechwart, Hambleton and Tilton Inc. (EMH&T) for professional engineering services.

Ordinance 1187-2007 authorized the City of Columbus, through the Director of the Department of Development, to enter into a Reimbursement Agreement with The New Albany Company, LLC (NACO) and Lifestyle Communities, Ltd. (Lifestyle). The Reimbursement Agreement was signed on December 22, 2008. Under the terms of the reimbursement agreement, the City of Columbus agreed to pay NACO an amount not-to-exceed \$2,428,785.00 for the Morse Road Widening project.

In 2010, NACO notified the City of Columbus of their inability to fulfill the Morse Road Widening obligations delineated in the Reimbursement Agreement. The City of Columbus and The New Albany Company subsequently executed an Instrument of Payment and Termination Agreement signed on December 23, 2011, that contains conditions that, once met, will lead to the termination of the reimbursement agreement. One condition included in that agreement was appropriating the funds for the construction of the Morse Road Widening from 955 feet east of Trellis Lane/Underwood Farms intersection to the project limits of the US 62/Morse Road roundabout. Another condition was the reimbursement to the Developer of \$47,832.01 for the cost of preliminary engineering fees for EMH&T's initial design work on this project.

Due to ongoing traffic and safety issues and anticipated future development in the Morse Road corridor between Trellis Lane/Underwood Farms intersection and the US 62/Morse Road Roundabout, the Department of Public Service would like to proceed with the design and construction of this project immediately. When this project was to be completed by NACO, they hired EMH&T to provide the engineering services for the project. EMH&T has completed preliminary engineering work for the project. Since the City now plans to complete the project, the Department of Public Service would like to enter into agreement with EMH&T to complete the design. This will be the most cost effective way to complete the design while meeting the project's timeline.

The scope of public infrastructure improvements for the Morse Road Widening consists of two phases. Phase 1 will widen Morse Road to three-lanes from 955 feet east of the Trellis Lane/Underwood Farms intersection to the project limits of the US 62/Morse Road Roundabout. Phase 2 will widen Morse Road from 955 feet east of Trellis Lane to the Trellis/Underwood Farms intersection.

Additional improvements along the north side of Morse Road include the installation of a shared-use path over the entire length of the project (to connect to the existing shared-use path approximately 900 feet west of US 62/Johnstown Road); installation of street lighting, storm sewer, and stormwater inlets; upgrades to traffic control (traffic signal, signage and pavement markings) as necessary and street trees will be planted. The south side of Morse Road is located within the City of Gahanna and will remain uncurbed with ditch drainage. However, existing culverts will be extended where impacted by the City of Columbus's improvements along the north side of Morse Road.

The Department of Public Service has determined that it is in the best interest of the City to proceed with this project and to enter into contract with EMH&T for the purpose of providing the engineering and design services needed for the design of the project. This ordinance authorizes the Director of Public Service to enter into contract with EMH&T for these services.

2. WAIVER OF COMPETITIVE BIDDING

A bid waiver is requested because EMH&T has already completed a full preliminary engineering study for this project. Contracting directly with EMH&T will be the most cost effective way to complete the design while meeting the project's timeline.

3. FISCAL IMPACT

Funding for this contract in the amount of \$450,000 is available and will be funded from the Northeast Preserve Incentive TIF Fund, number 438.

4. EMERGENCY DESIGNATION

Emergency action is requested so that the design of this project may proceed at the earliest possible time and roadway and pedestrian safety improvements may proceed for the safety of the traveling public.

To authorize the City Auditor to appropriate \$450,000.00 from the unappropriated balance of the Preserve TIF Fund; to authorize the Director of Public Service to enter into a professional services contract with EMH&T for the design of public infrastructure improvements in connection with the Morse Road widening project in the amount of \$450,000.00; to authorize the expenditure of \$450,000.00 from the Preserve Incentive TIF Fund; to waive the competitive bidding provisions of the Columbus City Code regarding professional services contracts; and to declare an emergency. (\$450,000.00)

WHEREAS, in 2008 The City of Columbus entered into a reimbursement agreement by and between the City of Columbus, The New Albany Company, LLC (NACO) and Lifestyle Communities, Ltd. (Lifestyle) dated December 22, 2008; and

WHEREAS, under the terms of the reimbursement agreement, the City of Columbus agreed to pay NACO an amount not-to-exceed \$2,428,785.00 for the Morse Road Widening project; and

WHEREAS, in 2010, NACO notified the City of Columbus of their inability to fulfill the Morse Road Widening obligations delineated in the reimbursement agreement. The City of Columbus and The New Albany Company subsequently executed an Instrument of Payment and Termination Agreement signed on December 23, 2011 that contains conditions that once met, will lead to the termination of the Reimbursement Agreement; and

WHEREAS, due to ongoing traffic and safety issues within the project boundaries and immediately east of the project at the US 62/Morse Road Roundabout, the Department of Public Service would like to proceed with the design and construction of this project; and

WHEREAS, the scope of public infrastructure improvements for this project consists of two phases; and

WHEREAS, phase 1 will widen Morse Road to three-lanes from 955' east of the Trellis Lane/Underwood Farms intersection to the project limits of the US 62/Morse Road Roundabout; and

WHEREAS, phase 2 will widen Morse Road from 955 feet east of Trellis Lane to the Trellis/Underwood Farms intersection; and

WHEREAS, additional improvements along the north side of Morse Road include the installation of a shared-use path over the entire length of the project (to connect to the existing shared-use path approximately 900 feet west of US 62/Johnstown Road); installation of street lighting, storm sewer, and stormwater inlets; upgrades to traffic control (traffic signal, signage and pavement markings) as necessary and street trees will be planted. The south side of Morse Road is located within the City of Gahanna and will remain uncurbed with ditch drainage. However, existing culverts will be extended where impacted by the City of Columbus's improvements along the north side of Morse Road; and

WHEREAS, the work performed on the Morse Road Widening project to-date, has consisted of a preliminary

engineering study by EMH&T; and

WHEREAS, The Department of Public Service has determined that it is in the best interest of the City to proceed with this project and to enter into contract with EMH&T for the purpose of providing the engineering and design services needed for the design of the project; and

WHEREAS, it is necessary to waive the competitive bidding provisions of the City Code regarding professional services contracts; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Division of Design and Construction, in that it is immediately necessary to enter into this contract and the expenditure of such funds to maintain the project schedule and meet community commitments; 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 Director of Public Service be and hereby is authorized to enter into a professional service contract with Evans Mechwart Hambleton & Tilton Inc. (EMH&T), 5500 New Albany Road, Columbus, OH 43054, for engineering and design of public infrastructure improvements to be constructed in connection with the Morse Road widening project in an amount up to \$450,000.00.

SECTION 2. That the competitive bidding provisions of Section 329.06 of the City Code be waived.

SECTION 3. The sum of \$450,000.00 be and is hereby appropriated from the unappropriated balance of the Preserve TIF Fund, Fund 438, 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, 2012 as follows:

<u>Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount</u>
438 / 438001-100000 / Preserver TIF / 06-6600 / 438100 / \$450,000.00

SECTION 4. That the sum of up to \$450,000.00 is authorized to be expended for this contract as follows:

<u>Fund / Project / Project Name / O.L. 01-03 Codes / OCA Code / Amount</u>
438 / 438001-100000 / Preserve TIF / 06-6682 / 438100 / \$450,000.00

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.