



## Legislation Text

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**File #: 0684-2007, Version: 1**

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**Background:** This legislation authorizes the Public Service Director to increase the expenditure amount by \$129,229.00 for the Guaranteed Maximum Cost Agreement with Urban Loft Ventures I LLC for the construction of downtown streetscape improvements at the northeast corner of Third Street and Gay Street for the Transportation Division. Previously, ordinance 1559-2006, adopted October 2, 2006, provided \$200,000.00 funding for this construction. The project's scope of construction was increased to include elements of the City's Gay Street conversion project since the developer was engaged in construction prior to the City's project and the Gay Street conversion project would have to demolish some of the work just completed by the developer. The City and the developer agreed that the developer was in a better position to implement this portion of the Gay Street conversion project at this corner. The increased amount will cover additional expenditures of Urban Loft Ventures I LLC to implement this increased project scope. \$74,229.00 of this increase will be provided from the City's Gay Street Conversion Project. \$55,000.00 of this increase will be provided by the City's Downtown Streetscape Program.

The Carlyles Watch residential development project involves the construction of an eight-story building at the northeast corner of Third and Gay which will contain 56 residential units, ground floor retail space and an enclosed parking level within the building. Streetscape improvements include the construction of sidewalks, curbs, street trees, street lighting and landscaped corner bump-out at the northeast corner of Third and Gay. This corner bump-out and the engineering work associated with this will implement this portion of the City's Gay Street Conversion Project.

More information is contained on the attached Detailed Project Description document. The Development Department has identified and negotiated this Agreement and the Public Service Department will enter into contract and administer the Agreement. The formal competitive bidding requirements of Chapter 329 of the City Code are being waived for the procurement of engineering and construction services pursuant to this Guaranteed Maximum Cost Agreement.

**Emergency Action** is requested to continue this project in a timely manner.

**Fiscal Impact:** This expense is budgeted and available in the 1995, 1999, 2004 Voted Streets and Highways Fund, in the Downtown Streetscape and Arterial Street Rehabilitation projects. Additional funds in the amount of \$4,229.00 are available due to cancelled encumbrances of completed projects within the 1995, 1999, 2004 Voted Streets and Highways Fund.

To authorize the Public Service Director to increase an existing Guaranteed Maximum Cost Agreement with the Urban Loft Ventures I LLC for the construction of downtown streetscape improvements at the northeast corner of Third Street and Gay Street for the Transportation Division; to waive the competitive bidding requirements of the Columbus City Code, 1959; to amend the 2007 C.I.B.; to authorize the transfer of \$4,229.00 within the 1995, 1999, 2004 Voted Streets and Highways Fund; to authorize the expenditure of an additional \$129,229.00 to be added to the \$200,000.00 already authorized in Ordinance 1559-2006 for a total project cost of \$329,229.00 from the Voted 1995, 1999, 2004 Streets and Highways Fund and to declare an emergency. (\$129,229.00)

**WHEREAS**, the need exists to enter into a Guaranteed Maximum Cost Agreement for the construction of downtown streetscape improvements at the northeast corner of Third Street and Gay Street; and

**WHEREAS**, this project will provide improvements to the public right-of-way that will greatly enhance the appearance of the pedestrian environment; and

**WHEREAS**, these streetscape improvements will complement the adjacent Carlyles Watch private sector investment and will implement a portion of the City's Gay Street conversion project; and

**WHEREAS**, in order to allow streetscape projects and their adjacent private sector projects to proceed on schedule, streetscape construction agreements were negotiated, conditioned on the City's ability to fund new projects and City Council approval of the

necessary legislation; and

**WHEREAS**, it is in the best interest of the city to waive the formal competitive bidding requirements of the Columbus City Code, 1959, and that this agreement be awarded in accordance with Section 186 of the Columbus City Charter; and

**WHEREAS**, an emergency exists in the usual daily operation of the Public Service Department, Transportation Division, in that it is immediately necessary that this Guaranteed Maximum Cost Agreement be authorized to provide for timely streetscape construction, 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 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 2.** That the Public Service Director be and is hereby authorized to increase by \$129,229.00 the amount of an existing Guaranteed Maximum Cost Agreement with Urban Loft Ventures I LLC for the construction of downtown streetscape improvements at the northeast corner of Third Street and Gay Street for the Transportation Division to total \$329,229.00 for this agreement pursuant to Section 186 of the Columbus City Charter.

**SECTION 3.** That in accordance with Section 329.27 of the Columbus City Code, City Council has determined that it is in the best interest of the City of Columbus that the formal competitive bidding requirements of Chapter 329 be and are hereby waived for the procurement of engineering and construction services pursuant to this Guaranteed Maximum Cost Agreement.

**SECTION 4.** That the 2007 Capital Improvement Budget established within ordinance 0733-2007 be amended as follows:

Project Number / Project / Current CIB Amount / Amendment Amount / CIB Amount

530104 / Alley Rehabilitation (Carryover) / \$7,966.00 (Carryover) / (\$4,229.00) (Carryover) / \$3,737.00 (Carryover)

530103 / Arterial Street Rehabilitation (Carryover) / \$2,152,483.00 (Carryover) / \$4,229.00 (Carryover) / \$2,156,712.00 (Carryover).

**SECTION 5.** That the City Auditor be and hereby is authorized to transfer \$4,229.00 within Fund 704, the 1995, 1999, 2004 Voted Streets and Highways Fund, Department No. 59-09, Transportation Division, as follows:

**TRANSFER FROM**

project # / project / Object Level One/Object Level Three Codes / OCA Code / amount

530104 / Alley Rehabilitation / 06/6600 / 644385 / \$4,229.00

Total Transfer From: \$4,229.00

**TRANSFER TO**

project # / project / Object Level One/Object Level Three Codes / OCA Code / amount

530103 / Arterial Street Rehabilitation / 06/6600 / 644385 / \$4,229.00

Total Transfer To: \$4,229.00

**SECTION 6.** That the expenditure of \$129,229.00, or so much thereof as may be necessary be and is hereby authorized and approved as follows:

Division/ Fund / OCA Code / O.L. 1 Code / O.L. 3 Code / Project No. / Project Title / Amount

59-09/ 704 / 644385 / 06 / 6631/ 530801 / Downtown Streetscape Improvements / \$55,000.00

59-09/ 704 / 644385 / 06 / 6631/ 530103 / Arterial Street Rehabilitation Project / \$74,229.00

**SECTION 7.** That for the reasons stated in the preamble thereto, which is hereby made a part hereof, this ordinance is 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.

