



## Legislation Text

**File #: 2846-2013, Version: 1**

### 1. BACKGROUND

This ordinance authorizes the Director of Public Service to accept assignment of a professional services engineering agreement from Village Communities Corporation for the Warner Road Improvements - Phase 2 project, agreement is between Village Communities Corporation and Evans, Mechwart, Hambleton and Tilton Inc. (EMH&T), and to waive the competitive bidding requirements of Columbus City Code Section 329 and enter into a contract modification with EMH&T for the Warner Road Improvements - Phase 2 project.

The City of Columbus created the Albany Crossing Incentive District (the "Albany Crossing TIF") and nine other Tax Increment Financing (TIF) Districts in the Northeast Columbus Area (hereafter, the "NORTHEAST TIFs") on December 14, 2005, pursuant to Ordinance No. 2117-2005. The Albany Crossing TIF is one of the five NORTHEAST TIFs that are generally located to the east of the intersection of Lee Road and Central College Road that encompass the properties that compose the land area in the Northeast Memorandum of Understanding (the "Northeast MOU") signed on February 23, 2006, under the authorization of Ordinance No. 2153-2005 passed by Council on December 12, 2005; and the subsequent First Amendment to the NORTHEAST MOU signed on August 16, 2010, under the authorization of Ordinance No. 0942-2010 passed by Council on June 28, 2010 and Northeast MOU Administrative Revision dated May 5, 2011.

As part of the First Amendment to the NORTHEAST MOU, Village Communities Corporation agreed to pay the design costs associated with widening Warner Road, Phase 1 and Phase 2, and not seek reimbursement from the City. Village Communities Corporation subsequently entered into a professional services agreement with EMH&T to design Warner Road, Phase 1 and Phase 2, and engineering plans for both projects were signed by the City on June 7, 2011.

Construction for Warner Road, Phase 1 improvements began in March 2013, and was completed in October 2013. In an effort to keep the community commitments outlined in the Northeast MOU and its subsequent First Amendment and Administrative Revision, the City needs to proceed with modifying the Warner Road, Phase 2 engineering plans to reflect changes made to the City's Construction and Material Specifications Manual in 2012. Modification to the Warner Road, Phase 2 engineering plans will need to be made before construction can begin in 2014.

The scope of public improvements for the Warner Road, Phase 2 project includes, but is not limited to: widening Warner Road from Ulry Road to a point 770 feet east of Ulry Road, the addition of turn lanes from Ulry Road to Warner Road, and the addition of sidewalks, curbing and a shared-use path within the project limits.

### 2. WAIVER OF COMPETITIVE BIDDING

The original contract for this project was between Village Communities Corporation and EMH&T. The purpose of the original contract was to meet the infrastructure improvement obligations associated with the Warner Road, Phase 1 and Phase 2 widening projects under the Memorandum of Understanding dated February 23, 2006. The obligation for modifying the engineering plans for the Warner Road Widening, Phase 2 project will be the responsibility of the City of Columbus who will directly contract with EMH&T. EMH&T has already completed engineering plans for the project. Contracting directly with EMH&T will be the most cost effective way to modify the engineering plans while meeting the community commitments outlined in the Northeast MOU.

### 3. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for EMH&T is 310685594. The expiration date is 8/2/15.

### 4. FISCAL IMPACTS

Funding for this contract in the amount of \$40,000 is available and will be funded from the Albany Crossing TIF Fund, number 441.

## **5. EMERGENCY DESIGNATION**

The Department of Public Service is requesting this ordinance to be considered an emergency measure in order to allow for immediate execution of this design agreement, which is necessary to facilitate the modification of engineering plans for these improvements to maintain the project schedule and meet community commitments; thereby immediately preserving the public health, peace, property, safety and welfare.

To authorize the Director of Public Service to accept assignment of a professional services engineering agreement from Village Communities Corporation for the Warner Road Improvements - Phase 2 project, agreement is between Village Communities Corporation and Evans, Mechwart, Hambleton and Tilton Inc. (EMH&T), and to waive the competitive bidding requirements of Columbus City Code Section 329 and enter into a contract modification with EMH&T for the Warner Road Improvements - Phase 2 project; to authorize the appropriation of \$40,000.00 from the unappropriated balance in the Albany Crossing TIF Fund to the Albany Crossing TIF Fund; to expend \$40,000.00 from the Albany Crossing TIF Fund for costs in connection with the Warner Road Improvements - Phase 2 project; and to declare an emergency. (\$40,000.00)

**WHEREAS**, the Albany Crossing Incentive District (the “Albany Crossing TIF”) and nine other Tax Increment Financing (TIF) Districts in the Northeast Columbus Area (hereafter, the “NORTHEAST TIFs”) were created on December 14, 2005, pursuant to Ordinance No. 2117-2005.

**WHEREAS**, the Albany Crossing TIF is one of the five NORTHEAST TIFs that encompass the properties that compose the land area in the Northeast Memorandum of Understanding (the “Northeast MOU”) signed on February 23, 2006, under the authorization of Ordinance No. 2153-2005 passed by Council on December 12, 2005; the subsequent First Amendment to the NORTHEAST MOU signed on August 16, 2010, under the authorization of Ordinance No. 0942-2010 passed by Council on June 28, 2010; and an Administrative Revision dated May 5, 2011; and

**WHEREAS**, as part of the First Amendment to the NORTHEAST MOU, Village Communities Corporation agreed to pay the design costs associated with widening Warner Road, Phase 1 and Phase 2 and subsequently entered into a professional services agreement with EMH&T to design the projects; and

**WHEREAS**, engineering plans were signed by the City on June 7, 2011 and construction for Warner Road, Phase 1 improvements began in March 2013 and was completed in October 2013; and

**WHEREAS**, in an effort to keep the community commitments outlined in the Northeast MOU and its subsequent First Amendment and Administrative Revision, the City needs to proceed with modifying the Warner Road, Phase 2 engineering plans to reflect changes made to the City’s Construction Material Specifications Manual in 2012 so that construction can begin in 2014; and

**WHEREAS**, the scope of public improvements for the Warner Road, Phase 2 project includes, but is not limited to: widening Warner Road from Ulry Road to a point 770 feet east of Ulry Road, the addition of turn lanes from Ulry Road to Warner Road, and the addition of sidewalks, curbing and a shared-use path within the project limits.; and

**WHEREAS**, the work to be performed by the consultant includes the modification of engineering plans for the Warner Road, Phase 2 project and services through construction; and

**WHEREAS**, this ordinance authorizes the Director of Public Service to accept assignment of a professional services

engineering agreement from Village Communities Corporation for the Warner Road Improvements - Phase 2 project, agreement is between Village Communities Corporation and Evans, Mechwart, Hambleton and Tilton Inc. (EMH&T), and to waive the competitive bidding requirements of Columbus City Code Section 329 and enter into a contract modification with EMH&T for the Warner Road Improvements - Phase 2 project to contract directly with EMH&T for this project; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service, in that it is immediately necessary to accept assignment of the design agreement and modify the design agreement 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 accept assignment of a professional services engineering agreement from Village Communities Corporation for the Warner Road Improvements - Phase 2 project, agreement is between Village Communities Corporation and Evans, Mechwart, Hambleton and Tilton Inc. (EMH&T).

**SECTION 2.** That the Director of Public Services is authorized waive the competitive bidding requirements of Columbus City Code Section 329 and enter into a contract modification with EMH&T for the Warner Road Improvements - Phase 2 project,

**SECTION 3.** A bid waiver is requested because EMH&T has already completed engineering plans for this project. Contracting directly with EMH&T will be the most cost effective way to complete the design while meeting community commitments.

**SECTION 4.** That from the unappropriated balance in the Albany Crossing TIF Fund, Fund 441, and from any and all sources unallocated for any other purpose during the fiscal year ending December 31, 2013, the sum of \$40,000.00, be and hereby is appropriated as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount  
441 / 441100-100000 / Development Division, Albany Crossing TIF Fund / 6601 / 441100 / \$40,000.00

**SECTION 5.** That the expenditure of \$40,000.00, or so much thereof as may be necessary , be and hereby is authorized as follows from the Department of Development, Albany Crossing TIF Fund

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount  
441 / 441100-100000 / Development Division, Albany Crossing TIF / 06-6631 / 441100 / \$40,000.00

**SECTION 6.** 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 7.** 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 8.** 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 9.** 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.