



## Legislation Text

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**File #:** 0981-2017, **Version:** 1

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### 1. BACKGROUND

This ordinance seeks authorization for the Director of Public Service to enter into a Construction Guaranteed Maximum Reimbursement Agreement with Edwards Communities Construction Company, LLC (the "Developer") and to separately encumber funds required for the City to perform construction administration and inspection services for the NCR Weinland Park (7<sup>th</sup> to 9<sup>th</sup>) project.

The City is undertaking the NCR Weinland Park (7<sup>th</sup> to 9<sup>th</sup>) capital improvement project, which will make streetscape improvements to North High Street from 7<sup>th</sup> Avenue to 9<sup>th</sup> Avenue (the "CIP Project"). The CIP Project is anticipated to start utility relocation in 2017 and construction in 2018.

Within the limits of the CIP Project, the Developer is completing a mixed-use development project with frontage along the east side of North High Street from 8<sup>th</sup> Avenue to 9<sup>th</sup> Avenue that is anticipated to be completed in July 2017. In an effort to have the portion of the CIP Project located immediately adjacent to the Developer's project completed by July 2017, it is necessary for the Developer to undertake construction of that portion of North High Street from 8<sup>th</sup> Avenue to 9<sup>th</sup> Avenue (the "Project"). The estimated cost for construction and inspection of the Project is \$550,000.

### 2. CONTRACT COMPLIANCE INFORMATION

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

### 3. FISCAL IMPACTS

Funding in the amount of \$555,000.00 is available for this project in the Streets and Highways Bond Fund within the Department of Public Service. An amendment to the 2016 Capital Improvement Budget is necessary for the purpose of providing sufficient spending authority for the aforementioned project expenditure.

### 4. EMERGENCY DESIGNATION

Emergency action is requested so as to allow the Director of Public Service to immediately execute a Construction Guaranteed Maximum Reimbursement Agreement and to encumber funds to pay for the City to perform construction administration and inspections services, which are necessary to facilitate the construction of these improvements in order to maintain the project schedule and to meet community commitments.

To amend the 2016 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 enter into a Construction Guaranteed Maximum Reimbursement Agreement with Edwards Communities Construction Company, LLC and to encumber funds to pay for the City to perform construction administration and inspection services for a combined total amount of up to \$550,000.00 for the NCR Weinland Park (7<sup>th</sup> to 9<sup>th</sup>) project; to authorize the expenditure of \$550,000.00 from the Streets and Highways Bond Fund; and to declare an emergency. (\$550,000.00).

**WHEREAS**, the City is undertaking the NCR Weinland Park (7<sup>th</sup> to 9<sup>th</sup>) capital improvement project, which will make streetscape improvements to North High Street from 7<sup>th</sup> Avenue to 9<sup>th</sup> Avenue (the "CIP Project"), and anticipates starting utility relocation in 2017 and construction in 2018; and

**WHEREAS**, the Developer is completing a mixed-use development project with frontage along the east side of North High Street from 8<sup>th</sup> Avenue to 9<sup>th</sup> Avenue that is slated for completion in July 2017; and

**WHEREAS**, in an effort to have the portion of the CIP Project located immediately adjacent to the Developer's project completed by July 2017, it is necessary for the Developer to undertake construction of the east side of North High Street from 8<sup>th</sup> Avenue to 9<sup>th</sup> Avenue (the "Project"); and

**WHEREAS**, this ordinance authorizes the Director of Public Service to enter into a Construction Guaranteed Maximum Reimbursement Agreement with Edwards Communities Construction Company, LLC and to encumber funds for the City to perform construction administration and inspection services in a total amount up to \$550,000.00 relative to the construction of the Project; and

**WHEREAS**, it is necessary to authorize an amendment to the 2016 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 enter into said Construction Guaranteed Maximum Reimbursement Agreement with Edwards Communities Construction Company, LLC and to encumber and expend funds for construction administration and inspection services in order to maintain the project schedule and to meet community commitments, 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 2016 Capital Improvements Budget authorized by Ordinance 0960-2016 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 / 590415-100012 / Public Private Partnership (3P) Projects (Voted Carryover) / \$9,462.00 / (\$9,462.00) / \$0.00

7704 / 590415-100012 / Public Private Partnership (3P) Projects (Councilmanic SIT Supported) / \$3,600,000.00 / (\$540,539.00) / \$3,059,461.00

7704 / 530058-100002 / NCR Weinland Park 7<sup>th</sup> to 9<sup>th</sup> (Voted Carryover) / \$0.00 / \$9,462.00 / \$9,462.00

7704 / 530058-100002 / NCR Weinland Park 7<sup>th</sup> to 9<sup>th</sup> (Councilmanic SIT Supported) / \$0.00 / \$540,539.00 / \$540,539.00

**SECTION 2.** That the transfer of \$550,000.00, 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 is hereby authorized to enter into a Construction Guaranteed Maximum Reimbursement Agreement with Edwards Communities Construction Company, LLC, located at 495 South High Street, Suite 150, Columbus, Ohio 43215, and to encumber funds for the City to perform construction administration and inspection services relative to the construction of public infrastructure improvements in connection with the NCR Weinland Park (7<sup>th</sup> to 9<sup>th</sup>) project.

**SECTION 4.** That the expenditure of \$550,000.00, 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.