



## Legislation Text

File #: 2830-2017, Version: 1

### 1. BACKGROUND

This ordinance seeks authorization for the Director of Public Service to execute a second amendment to the Construction Guaranteed Maximum Reimbursement Agreement (“CGMRA”) with Edwards Communities Construction Company, LLC (the “Developer”) relative to the NCR Weinland Park (7th to 9th) project (the “Project”).

Pursuant to Ordinance 0981-2017, the City and the Developer entered into the CGMRA, effective May 22, 2017, whereby the City agreed to reimburse the Developer up to \$550,000.00 for eligible construction costs incurred during the completion of the Project. However, the lowest, responsive, responsible, and best bid to construct the Project substantially exceeded earlier cost estimates, and pursuant to Ordinance 1180-2017, the City and the Developer modified the existing CGMRA to fund the increased cost of construction in the amount of \$351,456.00.

This is an unplanned modification. During the course of construction additional costs have been identified and incurred relative to the stormwater revisions, utility relocation, and other aspects of the Project, making it necessary to execute a second modification and to authorize the expenditure of additional monies to pay for those costs.

This ordinance authorizes the Department of Public Service to modify the CGMRA with the Developer in the amount of \$75,000.00, for a total expenditure of \$976,456.00 to facilitate the completion of the Project.

Original CGMRA:	\$550,000.00 (Ord 0981-2017, PO077517)
Modification No. 1:	\$351,456.00 (Ord 1180-2017, PO077540)
Modification No. 2:	<u>\$75,000.00</u> (This Ordinance)
Total CGMRA Amount, including all modifications:	\$976,456.00

### 2. CONTRACT COMPLIANCE INFORMATION

Edwards Communities Construction Company, LLC currently does not have a valid contract compliance number and will be required to become contract compliant before this agreement is fully executed.

### 3. FISCAL IMPACT

Funds in the amount of \$75,000.00 are available for this project in the Streets and Highways Bond Fund within the Department of Public Service. An amendment to the 2017 Capital Improvements Budget is necessary for the purpose of providing sufficient spending authority for the aforementioned project expenditure.

### 4. EMERGENCY DESIGNATION

The Department of Public Service is requesting emergency action be taken in order to allow construction of the project to be completed, thereby allowing the City and the Developer to maintain the current project schedule and to meet community commitments.

To amend the 2017 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 modify an existing Construction Guaranteed Maximum Reimbursement Agreement with Edwards Communities Construction Company, LLC for the NCR Weinland Park (7th to 9th) project; to authorize the expenditure of \$75,000.00 from the Streets and Highways Bond Fund; and to declare an emergency. (\$75,000.00).

**WHEREAS**, pursuant to Ordinance 0981-2017, the City and Edwards Communities Construction Company, LLC (the “Developer”) entered into a Construction Guaranteed Maximum Reimbursement Agreement (the “CGMRA”), effective

May 26, 2017, whereby the City agreed to reimburse the Developer up to \$550,000.00 relative to the completion of the NCR Weinland (7<sup>th</sup> to 9<sup>th</sup>) project (the “Project”); and

**WHEREAS**, the lowest, responsive, responsible, and best bid to construct the Project substantially exceeded earlier cost estimates; and

**WHEREAS**, pursuant to Ordinance No.1180-2017, the City and the Developer modified the CGMRA to provide for increased construction and inspection costs in the amount of \$351,456.00; and

**WHEREAS**, during the course of construction, additional costs have been identified and incurred relative to the stormwater revisions, utility relocation, and other aspects of the Project necessary to the completion thereof; and

**WHEREAS**, the City has committed to funding these additional costs in an amount of up to \$75,000.00; and

**WHEREAS**, this ordinance authorizes the Director of Public Service and the Developer to execute a second modification to the CGMRA in connection with the NCR Weinland Park (7<sup>th</sup> to 9<sup>th</sup>) project, for a total expenditure of \$976,456.00 to facilitate the completion of the Project; and

**WHEREAS**, an emergency exists in the usual operation of the Department of Public Service in that it is immediately necessary to authorize the Director to modify the aforementioned CGMRA in order to maintain the current construction schedule, 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 2017 Capital Improvements Budget authorized by Ordinance 1124-2017 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 / P530058-100000 / 59-03 NCR (Voted Carryover) / \$899,938.00 / (\$75,000.00) / \$824,938.00

7704 / P530058-100002 / NCR - Weinland Park 7<sup>th</sup> to 9<sup>th</sup> (Voted Carryover) / \$0.00 / \$75,000.00 / \$75,000.00

**SECTION 2.** That the transfer of \$75,000.00, or so much thereof as may be needed, is hereby authorized between projects within Fund 7704 Streets and Highways Bond Fund, from Dept-Div 5912 (Division of Design and Construction), Project P530058-100000 (59-03 NCR), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Division of Design and Construction), Project P530058-100002 (NCR - Weinland Park 7<sup>th</sup> to 9<sup>th</sup>), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 3.** That the Director of Public Service be and hereby is authorized to modify a Construction Guaranteed Maximum Reimbursement Agreement with Edwards Communities Construction Company, LLC, to facilitate the completion of the NCR Weinland Park (7th to 9th) project.

**SECTION 4.** That the expenditure of \$75,000.00, or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5912 (Division of Design and Construction), Project P530058-100002 (NCR - Weinland Park 7<sup>th</sup> to 9<sup>th</sup>), 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.