



Legislation Text

File #: 0983-2019, Version: 1

1. BACKGROUND

This legislation authorizes the Director of Public Service to accept a deposit for construction inspection and administration funds from The Gravity Project LLC per an executed Construction Guaranteed Maximum Reimbursement Agreement (CGMRA) for the 500 West Broad Streetscape project, to establish an Auditor Certificate Direct Invoice (ACDI) for the payment of construction inspection and administration services for the project, and to expend funds relative to the project on construction inspection and administration. It also authorizes the refund of any funds deposited for construction inspection and administration and unused for this project upon final acceptance of work or when the Department of Public Service, Division of Design and Construction, certifies funds are no longer needed for construction inspection and administration and any remaining balance can be refunded.

The 500 West Broad Streetscape project consists of various improvements to Broad Street and May Avenue, including installing two loading zones on Broad Street east of May Avenue and one loading zone on May Avenue north of Broad Street; constructing new curb, sidewalk and street lighting on the north side of Broad Street and the East side of North May Avenue; and installing a new mast arm signal at the intersection of Broad Street and North May Avenue and new pavement markings on Broad Street and North May Avenue.

Ordinance 3031-2018 authorized the Director of Public Service to enter into a Construction Guaranteed Maximum Reimbursement Agreement with The Gravity Project LLC for the 500 West Broad Streetscape project. Per the CGMRA, City reimbursement of funds is contingent upon the Gravity Project LLC depositing funds in the amount of \$85,856.61 for construction inspection costs associated with the project. The funds have been received and it is necessary to establish an ACDI to allow the funds to be used.

3. CONTRACT COMPLIANCE

The contract compliance number for The Gravity Project LLC is CC021278 and expires 3/27/2019.

4. FISCAL IMPACT

The funds have been received and deposited in Fund 7766, the Street and Highway Non-Bond Fund, Project P441751-100000 (500 West Broad Streetscape). It is necessary to appropriate funding for these project expenditures. An amendment to the 2018 Capital Improvement Budget is required to increase the budget authority for the project.

5. EMERGENCY DESIGNATION

Emergency action is requested to prevent unnecessary delays in the completion of the project.

To amend the 2018 Capital Improvement budget; to accept and appropriate funds from The Gravity Project LLC for construction inspection and administration services in connection with the 500 West Broad Streetscape project; to establish an ACDI for the payment of construction inspection and administration expenses for this project; to authorize the expenditure of up to \$85,856.61 from the Street & Highway Improvement Non-Bond Fund; to refund unused construction inspection and administration funds upon final acceptance of work; and to declare an emergency. (\$85,856.61)

WHEREAS, a CGMRA with The Gravity Project LLC was authorized by ordinance no. 3031-2018; and

WHEREAS, it is necessary to provide for construction inspection and administration funding for the project; and

WHEREAS, it is necessary to accept and appropriate funds from The Gravity Project LLC for construction inspection

and administration expenditures relative to the project; and

WHEREAS, it is necessary to establish an ACDI to pay for construction inspection and administration expenses relative to the project; and

WHEREAS, it is necessary to amend the 2018 Capital Improvement Budget to establish authority within the correct 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 and expend funds for construction inspection and administration costs from The Gravity Project LLC to prevent unnecessary delays in the construction schedule, thereby preserving the public health, peace, safety, and welfare; **now, therefore**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the 2018 Capital Improvements Budget authorized by ordinance 1010-2018 be amended as follows to establish sufficient authority for this project:

Fund / Project / Project Name / Current / Change /C.I.B. as Amended

7766 / P441751-100000 / 500 West Broad Streetscape / \$0.00 / \$85,857.00 / \$85,857.00 (to match cash per funds deposited for inspection)

SECTION 2. That from the unappropriated monies 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 ended December 31, 2019, the sum of \$85,856.61 is appropriated in Fund 7766 (Street & Highway Improvement Non-Bond Fund), Dept-Div 5912 (Design and Construction), Project P441751-100000 (500 West Broad Streetscape project), in 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 accept funds from The Gravity Project LLC, 30 Warren Street, Columbus, Ohio 43215, for the 500 West Broad Streetscape project construction inspection expenses in the amount of \$85,856.61, or so much thereof as may be needed, in accordance with the plans and specifications on file in the Department of Public Service, which are hereby approved.

SECTION 4. That the expenditure of \$85,856.61 or so much thereof as may be needed, is hereby authorized in Fund 7766 (Street & Highway Improvement Non-Bond Fund), Dept-Div 5912 (Design and Construction), Project P441751-100000 (500 West Broad Streetscape project), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 5. That any unused funds deposited by The Gravity Project LLC for construction and administration expenses related to this project are to be refunded to The Gravity Project LLC upon final acceptance of work for the 500 West Broad Streetscape, or they can be refunded when the Department of Public Service, Division of Design and Construction, certifies such funds are no longer needed for construction inspection and administration and any remaining balance can be refunded.

SECTION 6. Funds are hereby deemed appropriated and expenditures and transfers authorized to carry out the purposes of this ordinance 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.