



Legislation Text

File #: 0997-2019, **Version:** 1

1. BACKGROUND

This legislation authorizes the Director of Public Service to modify an existing Construction Reimbursement Agreement with 85 North High Street, LLC (hereinafter the "Developer") and to encumber additional funds in the amount of up to \$110,000.00 necessary for the construction and inspection of the Downtown Streetscape - 85 North High Street - Edwards project (the "Project").

The aforementioned Project encompasses various improvements to North High Street, West Gay Street, and Long Street, including: installing new sidewalks, curb, landscaping and lighting along the west side of North High Street between West Gay Street and West Long Street; removing and replacing existing sidewalks and curb along the south side of West Long Street (between North High Street and North Wall Street) and the north side of West Gay Street (between North High Street and North Wall Street); and installing a concrete bus pad on East Long Street between Wall Street and North High Street benefitting the Central Ohio Transit Authority.

Ordinance No. 3394-2018 authorized the Director of Public Service to enter into a Construction Reimbursement Agreement in the amount of up to \$732,000.00 with the Developer and to separately encumber funds for the City to perform construction administration and inspection services in an amount of up to \$82,000.00, for a total commitment of up to \$820,000.00. The funds appropriated and encumbered by said Ordinance were based on an estimate of costs prepared when the Project was still in the design phase.

The City recently solicited bids for construction of the Project and anticipates awarding a contract to the lowest, responsive, responsible, and best bidder on behalf of the Developer. The apparent low bid received by the City on March 5, 2019, substantially exceeded both the preliminary cost estimate and the budgeted amount for the Project. The total amount now needed for the Project is \$929,566.00, which includes \$845,060.00 for reimbursement of eligible construction costs incurred by the Developer and \$84,506.00 for the City to perform construction administration and inspection services.

Therefore, it is necessary to modify the existing Construction Reimbursement Agreement with the Developer and to appropriate and encumber up to \$110,000.00 to support additional construction costs in the amount of \$107,494.00 and additional construction administration and inspection costs in the amount of \$2,506.00.

2. CONTRACT COMPLIANCE INFORMATION

85 North High Street, LLC will be required to become contract compliant before the aforesaid modification can be fully executed.

3. FISCAL IMPACT

Funds in the amount of \$110,000.00 are available for this project within the Streets and Highways Bond Fund, Fund 7704. An amendment to the 2018 Capital Improvement Budget is necessary for the purpose of providing sufficient spending authority for the aforementioned project expenditure. A transfer of cash is necessary to align cash with the proper project.

4. EMERGENCY DESIGNATION

Emergency action is requested so as to maintain the current project schedule and to meet community commitments.

To amend the 2018 Capital Improvement 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 85 North High Street, LLC and to encumber additional funds in the amount of \$110,000.00 to support the construction and construction administration and inspection services relative to the Downtown Streetscape - 85 North High Street - Edwards project; to authorize the expenditure of \$110,000.00 within the Streets and Highways Bond Fund; and to declare an emergency. (\$110,000.00)

WHEREAS, 85 North High Street, LLC (the “Developer”) is administering the Downtown Streetscape - 85 North High Street - Edwards project, which will culminate in the construction of various improvements to North High Street, West Gay Street, and Long Street (the “Project”); and

WHEREAS, Ordinance No. 3394-2018 authorized the Director of Public Service to enter into a Construction Reimbursement Agreement in the amount of up to \$732,000.00 with the Developer and to separately encumber funds required for the City to perform construction administration and inspection services in the amount of up to \$82,000.00 relative to the Project, for a total commitment of up to \$820,000.00; and

WHEREAS, the funds appropriated and encumbered by Ordinance 3394-2018 were based on an estimate of costs prepared when the Project was still in the design phase; and

WHEREAS, the City recently solicited bids for the construction of the Project and anticipates awarding a contract to the lowest, responsive, responsible, and best bidder on behalf of the Developer; and

WHEREAS, the apparent low bid substantially exceeded both the preliminary cost estimate and the amount budgeted for the Project; and

WHEREAS, the total amount needed for the Project is now \$929,566.00, which includes \$845,060.00 for reimbursement of eligible construction costs to the Developer and \$84,506.00 for the performance of construction administration and inspection services by the City; and

WHEREAS, this ordinance authorizes the Director of Public Service to modify the existing Construction Reimbursement Agreement with the Developer and to encumber additional funds in the amount of up to \$110,000.00 to support anticipated construction and construction administration and inspection costs; and

WHEREAS, it is necessary to authorize an amendment to the 2018 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 modify said Construction Reimbursement Agreement with the Developer and to encumber requisite funding for construction and construction administration and inspection services in order to maintain the current project schedule and to 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 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 / Amended

7704 / P440104-100015 / Poindexter Village Redevelopment (Voted Carryover) / \$10,361.00 / (\$10,361.00) / \$0.00

7704 / P440121-100000 / Transportation - Mt. Vernon and Champion Acquisition (Voted Carryover) / \$31.00 / (\$31.00) / \$0.00

7704 / P440104-100012 / Miscellaneous Economic Development - Weinland Park (Columbus Coated Fabrics) 3B Design (Voted Carryover) / \$29,444.00 / (\$29,444.00) / \$0.00

7704 / P440104-100011 / Miscellaneous Economic Development - Weinland Park (Columbus Coated Fabrics) 3A Design

(Voted Carryover) / \$86,388.00 / (\$46,687.00) / \$39,701.00

7704 / P440104-100016 / Miscellaneous Economic Development - Easton Square Place Extension (Voted Carryover) / \$42,664.00 / (\$23,478.00) / \$19,186.00

7704 / P530801-100017 / Downtown Streetscape - 85 North High Street - Edwards (Voted Carryover) / \$0.00 / \$110,000.00 / \$110,000.00

SECTION 2. That the transfer of \$10,361.00, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 44-01 (Development Administration), Project P440104-100015 (Poindexter Village Redevelopment), Object Class 06 (Capital Outlay) to Dept-Div 59-12 (Division of Design and Construction), Project P530801-100017 (Downtown Streetscape - 85 North High Street - Edwards), Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 3. That the transfer of \$30.65, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 44-01 (Development Administration), Project P440121-100000 (Transportation - Mt. Vernon and Champion Acquisition), Object Class 06 (Capital Outlay) to Dept-Div 59-12 (Division of Design and Construction), Project P530801-100017 (Downtown Streetscape - 85 North High Street - Edwards), Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 4. That the transfer of \$29,444.00, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 44-01 (Development Administration), Project P440104-100012 (Miscellaneous Economic Development - Weinland Park (Columbus Coated Fabrics) 3B Design), Object Class 06 (Capital Outlay) to Dept-Div 59-12 (Division of Design and Construction), Project P530801-100017 (Downtown Streetscape - 85 North High Street - Edwards), Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 5. That the transfer of \$46,686.51, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 44-01 (Development Administration), Project P440104-100011 (Miscellaneous Economic Development - Weinland Park (Columbus Coated Fabrics) 3A Design), Object Class 06 (Capital Outlay) to Dept-Div 59-12 (Division of Design and Construction), Project P530801-100017 (Downtown Streetscape - 85 North High Street - Edwards), Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 6. That the transfer of \$23,477.84, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 44-01 (Development Administration), Project P440104-100016 (Miscellaneous Economic Development - Easton Square Place Extension Object), Class 06 (Capital Outlay) to Dept-Div 59-12 (Division of Design and Construction), Project P530801-100017 (Downtown Streetscape - 85 North High Street - Edwards), Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 7. That the Director of the Department of Public Service be and is hereby authorized to modify an existing Construction Reimbursement Agreement with 85 North High Street, LLC, whose address is 495 South High Street, Suite 150, Columbus, Ohio, 43215, and to separately encumber funds for the City to perform construction administration and inspection services relative to the construction of streetscape improvements in connection with the Downtown Streetscape - 85 North High Street - Edwards project.

SECTION 8. That the expenditure of \$110,000.00, or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 59-12 (Division of Design and Construction), Project P530801-100017 (Downtown Streetscape - 85 North High Street - Edwards), in Object Class 06 Capital Outlay per the accounting codes in the attachment to this ordinance.

SECTION 9. 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 10. 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 11. 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 12. For the reasons stated in the preamble hereto, which is 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 (10) days after passage if the Mayor neither approves nor vetoes this Ordinance.