



## Legislation Text

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**File #:** 55088, **Version:** 1

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### **Fiscal Note**

The proposed resolution authorizes execution of a contract with AVA Civic Enterprises, Inc. as the sole source for providing the scope of services attached as exhibit A. The term of the proposed contract shall be until December 31, 2019, unless otherwise extended, and payment will not exceed \$31,500 without prior authorization. The 2019 Adopted Capital Budget includes sufficient funding for the Judge Doyle project and the proposed contract amount.

### **Title**

Authorizing the Mayor and City Clerk to Execute an amendment to the contract with AVA Civic Enterprises, Inc. as a sole source for Project Director Services for the construction phase of the Public Ramp and Judge Doyle Podium and the request for proposals to seek a developer to complete the private portion of the Judge Doyle-Block 88 Project.

### **Body**

WHEREAS, since 2011 George E. Austin has acted as the City's project director and staff team lead for the Judge Doyle Project through a series of contracts between the City and his company, AVA Civic Enterprises, Inc. ("AVA"); and,

WHEREAS, on July 5, 2016, the Common Council adopted RES-16-00510 approving the City to enter into a development agreement with Beitler Real Estate Services (the "Development Agreement"); and,

WHEREAS, in accordance with Section 5.1(a)(1) of the Development Agreement, George Austin was chosen to act as City Agent in the development of the Public Ramp, based on his experience both professionally and in the negotiation of the Development Agreement in accordance with MGO 4.26(4)(a)(7); and,

WHEREAS, on September 20, 2016, the Common Council adopted RES-16-00713 authorizing the Mayor and City Clerk to execute a contract with AVA for services to lead the pre-construction phase of planning and implementation for the Judge Doyle Project as the sole source for providing the services with payment based on time and materials with expenditures not to exceed \$60,000 without prior authorization (the "Prior Contract"); and,

WHEREAS, on September 5, 2017, the Common Council adopted RES- 17-00698 awarding Public Works Contract # 7952 Judge Doyle Garage for construction of the Public Ramp to J.P. Cullen & Sons, Inc., and,

WHEREAS, on December 5, 2017 the Common Council adopted RES-17-00954 authorizing the Mayor and City Clerk to execute a contract with AVA for Project Director Services as a sole source for the scope of services including acting as the city agent in negotiations, leading the City project team to deliver the parking facility, preparing specific strategies, plans and timetables and managing communication with payment based on time and materials and expenditures not to exceed \$75,000 without prior authorization (the "Contract"), unless otherwise extended, and,

WHEREAS the Contract has a term of March 31, 2019, and,

WHEREAS, on February 26, 2019 the Common Council adopted RES-19-00136 awarding public works contract no. 8290 for the construction of the Judge Doyle Podium above the Public Ramp, and,

WHEREAS, on February 26, 2019 the Common Council adopted RES-19-00161 Authorizing the Issuance of a Request for Proposals to Seek a Developer to Complete the Private Portion of the Judge Doyle-Block 88 Project, and,

WHEREAS, construction of the Judge Doyle Podium is expected to be complete on or about October 31, 2019 with final commissioning of the structure complete by December 31, 2019, and,

WHEREAS, the Judge Doyle-Block 88 Request for Proposal process will require project management through September 2019, and,

WHEREAS, pursuant to MGO 4.26(4)(a)(7), based on AVA's experience both professionally and in prior phases of the planning and implementation of the Judge Doyle Project including but not limited to the negotiation of the Development Agreement and leadership throughout the many phase of the Judge Doyle Project, the City wishes to retain AVA for services through the completion of construction of the and Judge Doyle Podium and the completion of the Judge Doyle -Block 88 Request for Proposals process, under a sole source contract,

NOW, THEREFORE, BE IT RESOLVED, that Mayor and City Clerk are authorized to amend the Contract with AVA for the scope of services attached as Exhibit A, as the sole source for providing those services, with payment based on time and materials with expenditures not to exceed \$31,500 without prior authorization (the "Amended Contract"); and,

BE IT FURTHER RESOLVED, that the term of the Amended Contract shall be until December 31, 2019, unless otherwise extended, based on the anticipated schedule for construction of the Judge Doyle Podium and the Judge Doyle-Block 88 Request for Proposals process; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk are authorized to execute the Contract with AVA Civic Enterprises, Inc., in a form to be approved by the City Attorney.