



Legislation Text

File #: 44295, **Version:** 1

Fiscal Note

This resolution extends the contract with AVA Civic Enterprises, Inc. for the services of George E. Austin as project director for the Judge Doyle redevelopment project. Beginning in 2011 through June 2016, \$252,875, has been paid to AVA Civic Enterprises for project management services on this project. This resolution would authorize payment of up to \$60,000 for project director services through the pre-construction phase of the Judge Doyle project. The Judge Doyle project ("Judge Doyle Square" -- Project #8 under 2016 Adopted Capital Budget for Economic Development Division) has sufficient budget authority to meet these anticipated project management costs.

[SxD Project 810707; MUNIS Project 10760 -- 2015; MUNIS Project 11471 -- 2016]

Title

Authorizing the Mayor and City Clerk to Execute a contract with AVA Civic Enterprises, Inc. for Project Director Services for the Judge Doyle Project and as Sole Source to act as City Agent for the Development of Judge Doyle; and Rescinding RES-16-00535 Due to Need for Additional Information.

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, in October of 2015 after exclusive negotiation with JDS, LLC/Exact Sciences, the City received notification that Exact Sciences would not be locating its headquarters at Judge Doyle, and

WHEREAS, on November 3, 2015, the City authorized the extension of the contract with AVA Civic Enterprises, Inc for additional project director services for a cost not to exceed \$30,000, and

WHEREAS, on November 17, 2015, the Common Council adopted RES-15-00893 to request that the remaining three RFP respondents update their respective Judge Doyle Square proposals and submit those updated proposals to the City no later than January 19, 2016 and on July 5, 2016, the Common Council approved the City to enter into a development agreement with Beitler Real Estate Services (the "Development Agreement"); and

WHEREAS, the terms of November 3, 2015 contract expired in January 2016, but AVA has continued to provide services as requested; 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, the City wants AVA Civic Enterprises, Inc. to continue providing project services for the Judge Doyle Square Project through the pre-construction phase of the project; and

WHEREAS, the Common Council adopted RES-16-00535 on July 19, 2016 in order to accomplish the same,

but required additional detail upon review of the City Attorney's Office.

NOW, THEREFORE, BE IT RESOLVED, that Mayor and City Clerk are authorized to execute a contract or multiple contracts with AVA Civic Enterprises, Inc. for any period where services were rendered outside of contract, and 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 \$60,000 without prior authorization (the "Contract").

BE IT FURTHER RESOLVED, that the term of the Contract shall be until May 30, 2017, unless otherwise extended, based on the anticipated schedule for design, bid and award of construction contracts for the Public Ramp as described in the Development Agreement.

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.

BE IT FINALLY RESOLVED, the RES-16-00535, Authorizing the Mayor and City Clerk to Extend a Contract with AVA Civic Enterprises, Inc. for Project Director Services for the Judge Doyle Square Project, is hereby rescinded based on the need for additional clarification as determined by the City Attorney's Office.