

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 211096

Estimating revenues in the amount of \$ 207,065,514.00 in Fund No. 3445, the Special Obligation Series 2022A Streetcar Project Fund; appropriating that amount to the Streetcar Extension Bonds and Grant accounts and the ARP Streetcar Grant account; authorizing the Director of Finance to close project accounts upon completion; authorizing the Director of Public Works to exercise the City's option for Phase 2C construction services for the construction manager at risk (CM@Risk) contract with Kansas City Streetcar Constructors for the Kansas City Streetcar Main Street Extension Project; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, Committee Substitute for Ordinance No. 200165 authorized a construction manager at risk (CM@Risk) contract with KC Streetcar Constructors for Phase 1, Preconstruction Services for the Kansas City Streetcar Main Street Extension Project and authorized an exercise of option for Phase 2, Construction Services; and

WHEREAS, Ordinance No. 210162 authorized the estimation and appropriation of \$10,060,000.00 of Federal Transit Administration grant proceeds and special obligation bond proceeds of which \$1,170,157.00 remains unencumbered; and

WHEREAS, Ordinance No. 210486 authorized the estimation and appropriation of \$74,000,000.00 of Federal Transit Administration grant proceeds and special obligation bond proceeds of which \$8,630,997.00 remains unencumbered; and

WHEREAS, Ordinance No. 210751 authorized the restructuring of Phase 2 construction services into Phase 2A, Advanced Work Packages, for an amount not to exceed \$8,084,733.00, and authorized negotiation of a final guaranteed maximum price (FGMP) with Kansas City Streetcar Constructors; and

WHEREAS, all phases will be performed in accordance with requirements defined in the contract authorized by Ordinance No. 200165; and

WHEREAS, Amendment #2 authorized the restructuring of Phase 2 construction services into Phase 2A, Advanced Work Packages, and Phase 2B to procure track materials, rebar for OCS foundations and storm drainage for Segment 6 and 7 and authorized the expenditure of up to \$663,430.87 for Phase 2B; and

WHEREAS, the City desires to estimate and appropriate \$ 207,065,514.00, of which \$79,066,186.00 are bond proceeds and \$ 127,999,328.00 are federal grant proceeds, for the purpose of continuing work on the project; and

WHEREAS, the City has successfully negotiated a final guaranteed maximum price of \$201,992,375.13 for construction of the project; and

WHEREAS, the City desires to fund \$ 3,000,000.00 for an anticipated contract amendment with HDR Engineering, Inc., for additional engineering services during the construction phase; and

WHEREAS, the City desires to authorize the expenditure of \$11,210,862.00 for purchase of two additional streetcar vehicles with the same design as those procured in the base contract with CAF USA, Inc. in Spring 2022; and

WHEREAS, the City anticipates receipt of \$24,673,482 in American Rescue Plan Act Capital Investment New Starts funds as a separate federal grant with no local match requirement; which will reduce the local share of the project cost; and

WHEREAS, the cost of the project will be funded with the issuance of special obligation bonds in Spring 2022 and grant proceeds from the FTA Capital Investment Grant and the payment of scheduled debt service payments on the bonds will be made by annual appropriation of monies from general municipal revenues over a successive twenty-five (25) year period, with the TDD as the primary source of repayment; NOW, THEREFORE,

Section 1. That the revenues in the following account of Fund No. 3445, the Special Obligation Series 2022A Streetcar Project Fund, are hereby estimated in the following amounts:

AL-3445-120000-590000	Bond Proceeds	\$ 79,066,186.00
AL-3445-895990-474630-89022014	Federal Grant Revenue	103,325,846.00
AL-3445-895991-474630-89022014	Federal ARP Grant	<u>24,673,482.00</u>
	TOTAL:	\$207,065,514.00

Section 2. That the sum of \$207,065,514.00 is hereby appropriated from the Unappropriated Fund Balance of the Special Obligation Series 2022A Streetcar Project Fund, to the following accounts:

AL-3445-898990-B-89022014	Streetcar Extension Bonds	\$ 79,066,186.00
AL-3445-895990-B-89022014	Streetcar Extension Grant	103,325,846.00
AL-3445-895991-B-89022014	ARP Streetcar Grant	<u>\$24,673,482.00</u>
	TOTAL:	\$207,065,514.00

Section 3. That the Director of Public Works is designated as requisitioning authority for Account No. AL-3445-898990-89022014 and AL-3445-895990-89022014 and AL-3445-895991-89022014.

Section 4. That the City Council hereby declares its official intent to reimburse itself for certain expenditures made within sixty (60) days prior to or on and after the date of this Ordinance with respect to appropriations in Section 2 (the "Appropriation") with the proceeds of bonds expected to be issued by the City. The maximum principal amount of bonds expected to be issued for the Appropriation is not to exceed \$79,066,186.00. This constitutes a declaration of official intent under Treasury Regulation 1.150-2.

Section 5. That the Director of Finance is hereby authorized to close project accounts, encumbrances and retainage related to the accounts in Section 2, and return the unspent portion to the fund balance from which it came upon the earliest of: (i) Project's completion; (ii) final maturity of financing, or (iii) five years after issuance.

211096

Section 6. That the Director of Public Works is hereby authorized to execute Amendment #3 to the CM@Risk contract with KC Streetcar Constructors for the Kansas City Streetcar Main Street Extension Phase 2C, Project No. 89022014 - Kansas City Streetcar Main Street Extension, in an amount not to exceed \$201,992,375.13 from funds appropriated to Accounts No. AL-3443-895990-89022014, AL-3443-898990-89022014, AL-3445-895990-B-89022014,AL-3445-898990-B-89022014 and AL-3445-895991-89022014. A copy of the amendment, in substantial form, is on file in the Public Works Department and is incorporated herein by reference.

Section 7. That this ordinance, relating to the design, repair, maintenance or construction of a public improvement, is recognized as an ordinance with an accelerated effective date as provided by Section 503(a)(3)(D) of the City Charter and shall take effect in accordance with that section.

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy Queen

Tammy Queen
Director of Finance

Approved as to form and legality:

Nelson V. Munoz For

Nelson V. Munoz
Assistant City Attorney



Authenticated as Passed

Quinton Lucas
Quinton Lucas, Mayor

Marilyn Sanders, City Clerk
DEC 16 2021

Date Passed