



Legislation Text

File #: 240225, **Version:** 1

ORDINANCE NO. 240225

Sponsor: City Manager

Authorizing the City Manager to execute an Assignment and Assumption Agreement in the Amount of \$2,818,296.00 with the Port Authority of Kansas City in connection with a contract between the Port Authority and HNTB for design services related to the South Loop Park; authorizing the City Manager to enter into Contract Amendment No. 1 with HNTB for \$650,000.00 to provide for additional survey and utility coordination work; and recognizing an accelerated effective date.

WHEREAS, Port KC, City, the Downtown Council, Downtown Kansas City Community Improvement District, and DTC Community Development, Inc. ("Project Partners") are parties to that certain Memorandum of Understanding dated September 22, 2022 ("MOU"); and

WHEREAS, Port KC and HNTB Corporation, are parties to a Design Professional Services Contract dated December 14, 2022 ("Contract"); and

WHEREAS, pursuant to the terms of the Contract, HNTB is to provide certain environmental services and preliminary design services ("30% Design") in connection with the Project for a sum not to exceed \$5,694,642.00; and

WHEREAS, as of February 21, 2024, HNTB has completed \$5,232,251 in professional services in connection with the Contract with Port KC, of which \$2,876,346 has been paid by PortKC, leaving a remaining obligation in the amount of \$2,818,296; and

WHEREAS, the Project Partners and HNTB agree that an additional \$650,000.00, in design services are needed to advance design of the Project; and

WHEREAS, Port KC and City agree that the most effective management strategy for the Project moving forward would be for the City to assume future contracting responsibilities; and

WHEREAS, Port KC has agreed to assign, and the City has agreed to assume the Contract in its entirety, including without limitation, the obligation to make payment in full to HNTB for all goods and services rendered prior to the Effective Date of this Assignment, along with the right to all work produced under the agreement; and

WHEREAS, on June 8, 2023, the City adopted Committee Substitute for Ordinance No. 230477 wherein it appropriated \$10,000,000.00 for the payment of Project expenses subject to the negotiation and execution of a Funding Agreement with the Downtown Council; and

WHEREAS, such an Assignment and Assumption is consistent with the Ordinance No. 230477 inasmuch as it also reflects the City Council's expectation that contracting and revenues for the Project be handled by the City and the Downtown Council; NOW, THEREFORE;

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY

Section 1. That the City Manager is authorized to execute an Assignment and Assumption Agreement in the amount of \$2,818,296.00 from funds previously appropriated to account No. 24-5370-632018-B by Ordinance No. 230477 with the Port Authority of Kansas City in connection with a Contract between the Port Authority and HNTB for design services related to the South Loop Park.

Section 2. That the City Manager is authorized to execute a Contract Amendment No. 1 with HNTB for \$650,000.00 previously appropriated to Account No. 24-5370-632018-B by Ordinance No. 230477, to provide additional survey and utility coordination work and compliance with City MBE/WBE policy, Affirmative Action policy, and City insurance requirements.

Section 3. 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 Section 503, City Charter.

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 L. Queen
Director of Finance

Approved as to form:

Emalea Black
Associate City Attorney