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Title: Waive the Naperville Procurement Code to reimburse the Rubin Partnership \$74,318.41 for preliminary streetscape design and survey work completed for Special Service Area #30 (SSA #30) contingent upon approval of SSA #30 (requires six positive votes)

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Date	Ver.	Action By	Action	Result
4/16/2019	1	City Council	approved	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Waive the Naperville Procurement Code to reimburse the Rubin Partnership \$74,318.41 for preliminary streetscape design and survey work completed for Special Service Area #30 (SSA #30) contingent upon approval of SSA #30 (requires six positive votes)

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: William J. Novack, Director of TED/City Engineer

BOARD/COMMISSION REVIEW:

NA

BACKGROUND:

In 2018, the Rubin Partnership, the property owner of over half of Block 429 in downtown Naperville, hired Hitchcock Design Group and Roake and Associates to provide professional services related to improving the streetscape in portions of Block 429. It was initially believed that the work would be financed and paid back through a limited property owner special service area. As initial design constraints were discovered, such as a less than desired sidewalk width on the west side of Main Street due to the angled parking on the east side of the street, the boundaries of the improvements and the scope expanded.

The project expanded to include the east side of Main Street, which then necessitated rebuilding Main Street, which then lead to replacing and updating the City’s electric, water and wastewater utilities along Main Street and Jefferson Avenue. The expanded project now had more City improvements (street and utilities) than the original owner-led streetscape improvements. At that point, City staff decided it would be best for the City to take the lead on the project.

On March 5, 2019, City Council directed staff to prepare an ordinance to establish SSA #30 for streetscape improvements with the property owners paying 40% of the streetscape costs if fewer than fifty percent of the property owners object over the next sixty days. To date there have been no objections and staff is preparing to bring the ordinance to the May 21, 2019 City Council meeting.

DISCUSSION:

During 2018 and the early portion of 2019, Hitchcock Design Group (Hitchcock) performed \$54,699.16 of preliminary streetscape design, schematic design and portions of final design and cost estimates necessary for the streetscape improvements. Roake and Associates, which has recently become a part of Civil Environmental Consultants (Roake/CEC), performed \$19,619.25 of survey work for the streetscape design and preparation of legal descriptions for the establishment of the SSA. A good portion of the Hitchcock and Roake/CEC work was needed to establish the SSA and all of it will be of value to the engineering firm the City hires to complete the construction documents for the streetscape improvements.

The Rubin Partnership has requested that the \$74,318.41 of professional services rendered to date be eligible as a reimbursable cost of the SSA. Since the services provided were needed to establish the SSA, and more importantly, the services will be of value to the engineering firm hired by the City to design the improvements, staff agrees with and supports this request.

The difficulty is that the property owners are not paying for all the streetscape costs; they are paying for 40% of the costs with the City paying for the remaining 60%. Since the City of Naperville did not participate in the selection and procurement of Hitchcock or Roake/CEC for this work, which the City will now pay a portion of, the City Council will need to formally waive the Naperville Procurement Code.

Both firms have provided their respective streetscape professional services to other downtown Naperville property owners with excellent results. Staff has reviewed the work performed and finds that if the work is made available to all the City's bidders for the design work that it will have value and provide for an overall lower design cost. The Rubin Partnership has indicated that they will provide the work to the City's designer if the Naperville Procurement Code is waived and they are reimbursed the \$74,318.41 incurred to date. All of this is subject to approval of SSA #30 on May 21. If the SSA is not approved, then the City will not reimburse the Rubin Partnership.

Staff is bringing this waiver request to the City Council now, rather than on May 21 because staff desires to initiate the solicitation process now, so the design contract can be awarded quickly if the ordinance for SSA #30 is approved. This will allow completion of design by the end of the year, so the project can be bid in early 2020 and construction can commence in March 2020.

FISCAL IMPACT:

If SSA #30 is approved, the City will pay the Rubin Partnership the entire \$74,318.41. The City will be reimbursed 40% of the \$74,318.41 plus interest over the fifteen-year life of SSA #30.