

January 26, 2022

**To:** Mayor and Members of City Council

**From:** John P. Curp, Interim City Manager **202200138**

**Subject: Emergency Ordinance – DOTE: Various Moral Obligation Payments**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** payments in the amounts of \$7,404.41 to OTR Holdings, Inc. for professional services completed for the Downtown Pedestrian Task Force project; \$8,220.37 to HDR, Inc. for design and consulting services performed for the streetcar system; and \$7,370.00 to Donnellon, Donnellon & Miller for legal mediation services regarding appropriation of property needed for the Western Hills Viaduct replacement project, as moral obligations for services provided to the City.

This Emergency Ordinance authorizes payments in the amounts of \$7,404.41 to OTR Holdings, Inc. for professional services completed for the Downtown Pedestrian Task Force project; \$8,220.37 to HDR, Inc. for design and consulting services performed for the streetcar system; and \$7,370.00 to Donnellon, Donnellon & Miller for legal mediation services regarding appropriation of property needed for the Western Hills Viaduct replacement project, as moral obligations for services provided to the City.

The City of Cincinnati entered into a contract with OTR Holdings, Inc. for professional services work for the Downtown Pedestrian Task Force project. The City certified resources to professional services contract 233 05x7789 for work to be completed by December 31, 2020. Due to unforeseen project delays, OTR Holdings, Inc. performed work until June 2021, which necessitates a moral obligation payment. Sufficient resources are available in capital improvement program project account no. 980x233x3000x7682x192384, "Pedestrian Safety Improvements Downtown/OTR," to provide a \$7,404.41 payment to OTR Holdings, Inc.

The City entered a contract with HDR, Inc. for design and consulting services performed for the streetcar system. The City certified resources to the master agreement contract 95x0060 for work to be completed by June 25, 2021. HDR, Inc. was unable to meet the deadline due to staffing issues and worked past the contract deadline, which necessitates a moral obligation payment. Sufficient resources are available in capital improvement program project account no. 980x233x3000x7663x03678, "Cincinnati Streetcar System," to provide an \$8,220.37 payment to HDR, Inc.

The City filed a complaint with the Hamilton County Court of Common Pleas for the appropriation of Project Parcel 1 WD, owned by Viaduct Ventures, LLC, needed for the construction of the Western Hills Viaduct replacement project, as authorized for appropriation in Ordinance No. 0087-2020. Upon request of Viaduct Ventures, LLC, the Hamilton County Court of Common Pleas appointed Donnellon, Donnellon & Miller to serve as a mediator between Viaduct Ventures, LLC and the City to settle the appropriation case. The City is obligated to pay for mediator services provided by Donnellon, Donnellon & Miller, per Ohio Revised Code (ORC) Section 163.051, which necessitates a moral obligation payment. Resources in the amount of \$1,474.00 from capital improvement program project account no. 980x233x5000x7651x142367, "Maintenance Fund for Bridges 2012-2016," and in the amount of \$5,896.00 from capital improvement program project account no. 980x233x5000x7651x172357, "Western Hills Viaduct Replacement Non-Local Grants," are available to provide a payment totaling \$7,370.00 to Donnellon, Donnellon & Miller.

The reason for the emergency is the immediate need to pay OTR Holding, Inc., HDR, Inc., and Donnellon, Donnellon & Miller in a timely manner for services provided to the City of Cincinnati.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment