

## REQUEST FOR LEGAL OPINION BY CORPORATION COUNSEL

### BACKGROUND

The Operations Committee has had Item No. O30.065, a review item encaptioned "West Main Street Bridge" on its Agenda for various meetings since December 30, 2019. O30.065 followed an extensive series of Operations Committee and Board of Representatives meetings that culminated in a BOR Resolution on April 1, 2020 recommending that the Mayor proceed with Phase 2 of the contract for the West Main Street Bridge rehabilitation with Wengell, McDonnell & Costello (copy of Resolution attached). This recommendation followed a commitment by the Mayor to return to the Board in the event of material cost overruns in excess of the cost projections outlined in the March 26, 2019 meeting of the Operations Committee.

- At an Operations Committee meeting held on January 28, 2020 the Administration informed the Committee that the bid results were substantially higher than had been anticipated and that they were going to consider what actions to take.
- At an Operations Committee meeting held on July 28, 2020, the Administration described their interim thoughts on an alternative prefabricated bridge. The minutes of that meeting stated that the discussion included the following statement: "The design contract would most likely be over \$100,000 and require Board approval"

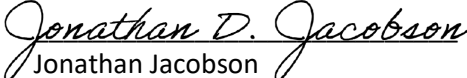
At a meeting of the Operations Committee held on May 25, 2021 the Administration presented its plan to build a prefabricated bridge north of the existing bridge. In its presentation the Administration informed the Operations Committee that the new proposal did not include any plans for removal or repair of the existing bridge. When asked, the Administration told the Operations Committee that it did not intend to seek further Board of Representatives approval for the new project as it believed it had the authority and funding to proceed with a bid contract.

### REQUEST FOR OPINION

The Appropriation for the funding that would be used to purchase the new prefabricated bridge was contained in page 73 of the 2019/2020 Budget Document (copy attached). The "Project Description" contained in that Budget item was "Restore the West Main St. Bridge as a pedestrian bridge capable of providing emergency vehicle access".

As Chairman of the Operations Committee, it appears to me that the new prefabricated bridge is not a "restoration of the West Main Street Bridge". It also appears to me that the new project specifically does not include any funding to restore the existing "purple bridge". Accordingly, it is my understanding that the Administration must seek a new Appropriation if it wishes to proceed with the new project. As Chairman of the Operations Committee, I am requesting Corporation Counsel's Legal Opinion on this question.

Respectfully Submitted,

  
Jonathan Jacobson  
Chairman, Operations Committee

# 30<sup>TH</sup> BOARD OF REPRESENTATIVES CITY OF STAMFORD

President  
MATTHEW QUINONES

Clerk of the Board  
SUSAN NABEL

Majority Leader  
RODNEY PRATT

Minority Leader  
MARY L. FEDELI

## RESOLUTION NO. 3942 REGARDING ENGINEERING AND BID PREPARATION WORK FOR THE WEST MAIN STREET BRIDGE – WALKWAY REHABILITATION PROJECT

**WHEREAS**, On September 4, 2018, the Board of Representatives approved a contract with Wengell, McDonnell & Costello for the West Main Street Bridge - Walkway Rehabilitation Project; and

**WHEREAS**, the contract included work generally describing the engineering and bid preparations for the rehabilitation of the existing truss bridge in place, preserving the historic character of the bridge, while still providing a safe and aesthetically improved structure for pedestrian walkway use as well as emergency vehicles, such as ambulances or police vehicles; and

**WHEREAS**, the contract required a “100-day” review to ensure that cost estimates and other engineering assessments were substantially correct, and

**WHEREAS**; the review has been completed, with the conclusion that, while there have been some revisions in the initial estimates and assessments, some of which related to the requirements to accommodate emergency vehicles, the original estimates and assessments were substantially correct, and that the rehabilitation project is ready to proceed; and

**WHEREAS**, the costs of the Contract are expected to be reimbursed by the Mill River Collaborative from third party grants up to the amount of two million dollars; and

**WHEREAS**, on the March 26, 2019 meeting of the Operations Committee, the Mayor committed to return to the Board in the event of material cost overruns in excess of the cost projections outlined in the March 26, 2019 meeting.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Representatives approves of the City of Stamford proceeding with Phase 2 of the contract; and

**BE IT FURTHER RESOLVED THAT** the Board recommends that the Mayor proceed with the same.

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This resolution was approved by a machine vote of 23-13-0 at the regular monthly meeting of the 30<sup>th</sup> Board of Representatives held on April 1, 2019.

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Matthew Quinones, President  
30<sup>th</sup> Board of Representatives

  
Susan Nabel, Clerk  
30<sup>th</sup> Board of Representatives

cc: Mayor David R. Martin  
Lyda Ruijter, Town & City Clerk  
Mark McGrath, Director of Operations  
Thomas Madden, Director of Economic Development  
Ted Jankowski, Director of Public Safety, Health & Welfare  
Lou Casolo, City Engineer  
Kathryn Emmett, Esq., Law Department  
Jay Fountain, Director of OPM  
Michael Handler, Director of Administration

# Capital Project Request FY 2020-2026

6/10/2019 9:38:57 AM

## 519 C56753 WEST MAIN ST. BRIDGE REPLACEMENT

**Agency:** 0220 Operations: Engineering  
**Contact:** Lou Casolo - (203) 977-5796 - lcasolo@StamfordCT.gov  
**Location:** West Main St. bridge  
**Neighborhood:** West Side

		<b>Dept Priority</b>	10	<b>Tier</b>	1
<b>HTE Date</b>	2019-06-09	<b>YTD Balance</b>	605,200.00		
<b>Encumbered</b>	351,295.45	<b>Amount Available</b>	0.00		
<b>Advanced</b>	244,800.00	<b>Unfunded</b>	605,200.00		

**Voting District:**

**Project Description** - Restore the West Main St. bridge as a pedestrian bridge capable of providing emergency vehicle access.

Detailed Project Cost		Justification for Inclusion in Capital Plan
Design Development	\$0	<input type="checkbox"/> Cost Savings
Construction Related	\$2,000,000	<input type="checkbox"/> Life Safety
Equipment Acquisition	\$0	<input checked="" type="checkbox"/> Continues On-Going Project
Miscellaneous Costs	\$0	<input checked="" type="checkbox"/> Leverages Other Funds
Professional Services	\$0	<input checked="" type="checkbox"/> Infrastructure
Land Acquisition	\$0	<input type="checkbox"/> Quality of Life
Art Work	\$0	<input type="checkbox"/> Plan Related
<b>FY 19/20 Total</b>	<b>\$2,000,000</b>	<input type="checkbox"/> Public Safety Health
		<input type="checkbox"/> Mandated Legal
		<input type="checkbox"/> Positive Revenue Impact
		<input type="checkbox"/> Positive Operational Impact/Efficiency
		<input type="checkbox"/> Other

Expenditures by Year			
Fiscal Year	Authorization	Encumbered	Expenditure
2019	0.00	351,295.45	106,004.55
2016	1,062,500.00	0.00	0.00
<b>Total Expenditures</b>	<b>\$1,062,500.00</b>	<b>\$351,295.45</b>	<b>\$106,004.55</b>

<b>Method Used in Estimating Cost:</b>	<b>Estimated change in annual operating cost:</b>
	\$0

Request		FY 19/20					Capital Forecasts						
Funding Source	Term	Dept	Planning	Mayor	BOF	Adopted	FY 20/21	FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26	Total
State Grant		2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	0	0	0	0	0	0	2,000,000
		<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,000,000</b>