Bill No. 54-2018

Introduced by: The Chairperson at the request of the County Executive

AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Project Agreement for the Design, Construction, Financing, Operation and Maintenance of the Howard County Circuit Courthouse between Howard County, Maryland and a special purpose entity formed by Edgemoor-Star America Judicial Partners for the design, construction, partial financing, operation and maintenance of a new Courthouse and related Parking Structure to be located on the Project Site located at 9250 Judicial Way (formerly known as 9240 and 9250 Bendix Road) in Ellicott City; authorizing the County Executive to enter into the Agreement and to make changes to the Agreement before executing it, under certain conditions; and generally relating to a multi-year agreement for the design, construction, financing, operation and maintenance of the Howard County Circuit Courthouse.

Introduced and read first time _____________, 2018. Ordered posted and hearing scheduled.

By order ____________________________
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on ________________, 2018.

By order ____________________________
Jessica Feldmark, Administrator

This Bill was read the third time on _____________, 2018 and Passed __ Passed with amendments __ Failed ___.

By order ____________________________
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for his approval this ___day of ___________, 2018 at ___a.m./p.m.

By order ____________________________
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____________, 2018.

Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strikeout indicates material deleted by amendment; Underlining indicates material added by amendment.
WHEREAS, the existing Circuit Courthouse is approximately 175 years old and is a significant historic structure; and

WHEREAS, there are significant problems with the existing Circuit Courthouse related to space, security, safety and access, among other issues; and

WHEREAS, the County Council has passed and the County Executive has approved, Council Resolution No. 27-2017 (“CR 27”) indicating support of a project to finance and design, construct, operate, and maintain a new courthouse and parking garage (collectively, the “Project”); and

WHEREAS, the Project is to be located on a 28.98-acre parcel currently owned by the County and located at 9250 Judicial Way (formerly known as 9240 and 9250 Bendix Road) in Ellicott City; and

WHEREAS, pursuant to CR 27, the County approved a public private partnership for the Project; and

WHEREAS, also pursuant to CR 27, the County Council approved the issuance of general obligation bonds as part of the resources to finance the Project; and

WHEREAS, by passage of Council Bill No. 41-2017, the County authorized the issuance of general obligation bonds in the principal amount of up to $105,000,000, the proceeds of which will be used to finance a portion of the costs of developing and constructing the Project; and

WHEREAS, based on updated split of public and private financing, the County reduced the authorized general obligation bond appropriation for Capital Project C-0290 Courthouse Replacement to $91,000,000 by the passage of Council Bill No. 25-2018; and
WHEREAS, pursuant to Section 4.106(c) and 4.108 of the Howard County Code, the County has engaged in a two-step competitive proposal process consisting of (1) a request for expressions of interest seeking qualified respondents, and (2) a request for proposals in which the County would make a determination of best value; and

WHEREAS, on July 11, 2017, the County issued Request for Expressions of Interest (“EOI”) No. 01-2018, for the Project; and

WHEREAS, on September 20, 2017, the County received nine submittals in response to EOI No. 01-2018; and

WHEREAS, the County selected three of the nine interested private entities as eligible to receive a request for proposals and placed those three private entities on a “shortlist”; and

WHEREAS, on November 30, 2017, the County issued Request for Proposals (“RFP”) No. 10-2018, to the three “shortlisted” respondents; and

WHEREAS, in May of 2018, the County received proposals from each of the three shortlisted respondents; and

WHEREAS, in June of 2018, after evaluating the proposals in accordance with the criteria of RFP No. 10-2018, the County determined that the proposal submitted by Edgemoor-Star America Judicial Partners offered the best value; and

WHEREAS, the County and a special purpose entity formed by Edgemoor-Star America Judicial Partners wish to enter into the Project Agreement, substantially in the form of Exhibit A attached to this Act for the Project; and
WHEREAS, the Project Agreement requires the payment by the County of funds from an appropriation in a later fiscal year and therefore requires the County Council approval as a multi-year agreement pursuant to Section 612 of the Howard County Charter.

NOW, THEREFORE,

Section 1. Be It Enacted by the County Council of Howard County, Maryland, that, in accordance with Section 612 of the Howard County Charter, it approves the Project Agreement By and Between a special purpose entity formed by Edgemoor-Star America Judicial Partners and Howard County, Maryland, substantially in the form attached as Exhibit A.

Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that the County Executive is authorized to enter into the Project Agreement in the name of and on behalf of the County.

Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland, that the County Executive, prior to execution and delivery of the Project Agreement may make such changes or modifications to the Agreement as he deems appropriate in order to accomplish the purpose of the transaction authorized by this Act, provided that such changes or modifications shall be within the scope of the transaction authorized by this Act; and the execution of the Agreement by the County Executive shall be conclusive evidence of the approval by the County Executive of all changes or modifications to the Agreement, and the Agreement shall thereupon become binding on the County in accordance with its terms.

Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act shall become effective immediately upon its enactment.
Exhibit A

Project Agreement