



Legislation Details (With Text)

**File #:** K-1718-54    **Version:** 1    **Name:** Project Agreement with ODOT for 12th Avenue SE Widening Project from Cedar Lane to State Hwy 9

**Type:** Contract    **Status:** Passed

**File created:** 8/22/2017    **In control:** City Council

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**Title:** CONTRACT K-1718-54: A PROJECT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) IN THE AMOUNT OF \$600,000 FOR THE CITY'S SHARE FOR PROJECT STP-214(C)(080)AG, STATE JOB. 29289(04), AND FOR THE WIDENING OF 12TH AVENUE S.E. FROM CEDAR LANE ROAD TO OAK TREE AVENUE AND ADOPTION OF PROJECT AGENT RESOLUTION R-1718-29.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Text File K-1718-54, 2. Project Agreement, 3. R-1718-29, 4. Invoice, 5. Location Map, 6. Requisition

Date	Ver.	Action By	Action	Result
9/12/2017	1	City Council		

**CONTRACT K-1718-54:** A PROJECT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) IN THE AMOUNT OF \$600,000 FOR THE CITY'S SHARE FOR PROJECT STP-214(C)(080)AG, STATE JOB. 29289(04), AND FOR THE WIDENING OF 12TH AVENUE S.E. FROM CEDAR LANE ROAD TO OAK TREE AVENUE AND ADOPTION OF PROJECT AGENT RESOLUTION R-1718-29.

**BACKGROUND:** On August 14, 2007, City Council approved amending the program of improvements of the NRH Foundation Addition Section 1 plat, which is approximately 600 feet south of State Highway 9 on the east side of 12<sup>th</sup> Avenue SE. As a part of the approval, the developer elected to pay deferral funds for the improvement of 12<sup>th</sup> Avenue SE in the amount of \$78,336.00.

On May 8, 2012, City Council approved the final plat of Campus Crest, which is approximately 800 feet south of State Highway 9 on the east side of 12<sup>th</sup> Avenue SE. As a part of the approval, the developer elected to pay deferral funds for the improvement of 12<sup>th</sup> Avenue SE in the amount of \$90,132.60.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight transportation/stormwater improvement projects. One of the eight 2012 bond projects is the 12<sup>th</sup> Avenue SE Widening Project. Please see the attached location map showing the project boundaries.

On December 11, 2012, the Norman City Council approved Programming Resolution R-1213-78 requesting federal funds for the 12<sup>th</sup> Avenue S.E. Widening Project. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project including engineering design, acquisition of all necessary rights-of-way and relocation of utilities and encroachments at 100% the City's cost. In return, the Association of Central Oklahoma Governments (ACOG), through the Oklahoma Department of Transportation (ODOT), agrees to provide 80% of the cost for the administration and construction, with the matching share from the City of Norman.

On April 9, 2013, City Council approved engineering services in Contract K-1213-161 with Tetra Tech Inc. in the amount of \$249,646 for the design of the 12<sup>th</sup> Avenue SE Widening Project, which involves the construction of a new four-lane roadway that will include five-foot bike lanes on each side of the road. The project will also include improvements at the intersection of SH-9 and 12<sup>th</sup> Avenue SE, extension of bike lanes north to Oak Tree Avenue and the addition of a left turn lane into the Campus Crest Apartments.

On March 11, 2014, City Council approved Amendment No. 1 in the amount of \$24,420 for additional engineering services to Contract K-1213-161, with Tetra Tech Inc. This amendment provided additional intersection analysis and design at SH-9, to accommodate the added traffic generated by two new apartment complexes on 12<sup>th</sup> Avenue SE between SH-9 and Cedar Lane Road; as well as anticipated future development in the surrounding area.

On April 8, 2014, City Council approved the final plat of Park 7 Group, which is approximately 1400 feet south of State Highway 9 on the east side of 12<sup>th</sup> Avenue SE. As a part of the approval, the developer elected to pay deferral funds for the improvement of 12<sup>th</sup> Avenue SE in the amount of \$127,636.50.

On April 14, 2015, City Council approved Amendment No. 2 in the amount of \$37,830 for additional engineering services to Contract K-1213-161 with Tetra Tech Inc., which added water line relocation plans to the design scope of the project.

On December 13, 2016, City Council awarded the Water Line Relocation Construction contract to the low bidder, Central Contracting of Norman, Oklahoma, in the amount of \$77,118.

On February 14, 2017, City Council approved Resolution R-1617-67 making the 12<sup>th</sup> Avenue SE Widening Project boundaries a Recoupment District.

On April 11, 2017, City Council accepted six of the seven project easements and payments authorized, where appropriate, and the filing directed thereof. The one remaining easement was going through the eminent domain process. On July 25, 2017, City Council authorized the final agreement with the property owner of the remaining easement.

On June 27, 2017, City Council approved Change Order No.1 in the amount of \$6,175 and Final Acceptance of the Water Line Reconstruction Project.

On August 22, 2017, City Council approved Resolution R-1718-15 appropriating \$296,105.10 to use Deferral Funds from NRH Foundation, Campus Crest and Park 7 Group for the 12th Avenue SE Widening Project from Cedar Lane Road to State Highway 9.

Proposed improvements for the 12<sup>th</sup> Avenue S.E. Widening Project include:

1. Widening 12<sup>th</sup> Avenue S.E. from Cedar Lane Road to State Highway 9 from two lanes to four lanes
2. Addition of five-foot on-street bike lanes
3. Intersection improvements at 12<sup>th</sup> Avenue SE/Campus Crest Drive and 12<sup>th</sup> Avenue SE/State Highway 9
4. Continuous sidewalks on both sides
5. Stormwater improvements

## **DISCUSSION:**

The next milestone for this project is for ODOT to accept construction bids for this project and begin construction. Prior to letting the project for bid, ODOT requires the City of Norman to enter into a project agreement and to adopt it by Resolution. ODOT has requested the City approve the attached agreement that addresses the responsibilities of the City of Norman and ODOT. Staff has reviewed and approved the project agreement and resolution.

In summary, the City's responsibilities are:

- Prepare plans for construction in conformance with ODOT 2009 Standard Specifications;
- Provide necessary rights-of-way to construct the project and relocate any utilities;
- Maintain the traffic signal equipment after construction;
- Certify that the completed project will comply with the Americans with Disabilities Act (ADA) requirements;
- Comply with environmental requirements;
- Maintain the roadway and all drainage systems and facilities after construction;
- Ensure permanent rights-of-way are free of any encroachments;
- Maintain lighting and lighting systems

In summary, ODOT's responsibilities are:

- File jointly with the contractor the Notice of Intent (NOI) for a general construction storm water permit with the U.S. Environmental Protection Agency which authorizes storm water discharges associated with construction activities;
- Advertise and let the construction contract for this project;
- Construct the project in accordance with the plans;
- Provide competent supervision of the construction

The total estimated cost of the 12th Avenue SE Bond Project is \$3,700,000, of which the City's share is estimated to be \$1,300,000. The City's share of the project includes 100% of the engineering design, land acquisition and utility relocation; and 20% of construction and construction management.

The construction portion of the project is funded 80% by ODOT and 20% by local funds. ODOT has billed the City for the local matching share. Based on the latest engineer's estimate, the total construction cost is \$3,000,000 with ODOT's estimated share at \$2,400,000 and the local match is \$600,000. The City's share will be co-funded by General Obligation Bond funds authorized by the voters of Norman in 2012 and the Deferral Funds collected from adjacent property developers for the 12<sup>th</sup> Avenue SE Widening Project. The City's share of these funds must accompany this agreement and put on account at ODOT. ODOT will use these funds to pay Norman's share on invoices. After the construction is complete any unused funds are returned to the City. Should the City's share exceed \$600,000 additional funds from the City will be required.

Currently, there is \$818,375.10 available in 12<sup>th</sup> Avenue SE Widening Project, Construction (account 050-9552-431.61-01; project BP0191, \$488,793 and Project TR0191, \$329,582.10). The remaining balance after paying this ODOT construction invoice will go toward construction management and any project overruns.

A bid opening for this project has been scheduled by ODOT on October 19, 2017. The estimated start of construction is December 2017. Construction is anticipated to be complete by September 2018.

**RECOMMENDATION NO.1:** Staff recommends approval of Contract K-1718-54 with the Oklahoma Department of Transportation.

**RECOMMENDATION NO. 2:** Staff further recommends approval of Resolution R-1718-29 adopting Contract K-1718-54, and if approved, authorize the execution thereof.