



Legislation Text

File #: K-1617-82, **Version:** 1

CONTRACT K-1617-82: A PROJECT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) IN THE AMOUNT OF \$1,667,600 FOR PROJECT STP-114(E)(299)EH, STATE JOB. 28810(04), AND PROJECT STPG-114A(141)AG, STATE JOB 22139(04) FOR THE MAIN STREET STREETScape PROJECT FROM PARK DRIVE TO JAMES GARNER AVENUE, ADOPTION OF RESOLUTION R-1617-59, AND BUDGET TRANSFERS BETWEEN PROJECT ACCOUNTS.

BACKGROUND: The 2015 - Fixing America's Surface Transportation Act (FAST) federal transportation funding bill allocates federal funds for the implementation of eligible transportation enhancement projects in the state of Oklahoma.

Growing concerns about air quality, open space, and traffic congestion led Congress to create several programs through legislation in the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA). These programs broaden the federal focus on transportation from building highways to funding projects tied to smarter planning requirements that help ensure communities are more "livable". At the center of that focus about transportation, growth, and quality of life is the Transportation Enhancement Program.

With the passage of the Transportation Equity Act for the 21st Century (TEA-21), and its successors, the Safe, Efficient, Flexible, Effective Transportation Equity Act: a Legacy for the User (SAFETEA-LU), the 2012 - Moving Ahead for Progress in the 21st Century (MAP-21), and the current 2015 - FAST Act, Congress continues to reaffirm its commitment to the original concepts established under ISTEA. Like its predecessors, the new legislation continues to provide a catalyst for stimulating activities which go beyond traditional transportation projects.

Transportation Enhancements (TE) activities offer communities funding opportunities to help expand transportation choices, such as safe bicycle and pedestrian facilities, scenic routes, beautification, and other investments that increase recreation opportunity and access. Communities may also use TE funds to contribute toward the revitalization of local and regional economies by restoring historic buildings, renovating streetscapes, or providing transportation museums and visitors centers.

Federal funds available under the Enhancement Program may be used for a maximum of eighty percent (80%) of the eligible project costs, capped at \$600,000 per project. Successful applicants must agree to provide a minimum of twenty percent (20%) of the total project costs. Federal and State Agencies, along with Tribal, County, and Local Governments, are eligible and can apply for the funds.

On August 26, 2010, Council's Planning and Transportation Committee was briefed on the program's 11th Biennial Application Cycle that is administered by the Oklahoma Department of Transportation (ODOT), and recommended that the following two projects be pursued:

1. Downtown Main Street Streetscape Improvement Project (West End) from University Boulevard to James Garner Avenue, which consists of streetscape, cobblestone paving bands, street furniture, decorative lighting upgrade, stamp and colored asphalt, sidewalks and accessible ramps.
2. Legacy Trail Extension along 24th Avenue NW and 36th Avenue NW, which consists of a ten-foot wide paved path for pedestrians and bicyclists that will ultimately connect the Downtown area and University of Oklahoma Main Campus to the Ruby Grant Park in NW Norman.

On September 7, 2010, City Council met in Study Session and accepted the recommendations of the Planning and Transportation Committee, directing staff to proceed with the formal application process.

On September 28, 2010, City Council adopted Resolution R-1011-36 supporting the use of federal surface transportation enhancement program funds for the Downtown Main Street Improvement (West End) and the Legacy Trail Extension along 24th Avenue NW and 36th Avenue NW projects, and directed staff to submit formal applications to ODOT.

On September 9, 2014, ODOT informed the City of Norman that the Downtown Main Street Streetscape Improvement (West End) and the Legacy Trail Extension along 24th Avenue NW and 36th Avenue NW projects were among the statewide projects selected for inclusion in their latest Transportation Enhancement Program plan.

In July 2015, the Public Works Department evaluated the qualifications of the thirty two ODOT pre-qualified engineering firms available for the design of transportation enhancement projects and selected three for further consideration (Cabbiness Engineering, LLC, R. L. Shears Company, PC, and Landplan Consultants, Inc.).

On July 30, 2015, interviews were conducted and R. L. Shears Company, P.C of Tulsa was selected as the most suited firm to design the Main Street Streetscape project.

On November 24, 2015, City Council approved Contract K-1516-75 with R. L. Shears Company in the amount of \$190,715.50 for design services on the Main Street Streetscape Project.

On September 27, 2016, City Council met in Study Session to discuss the final design, budget, and schedule for the Main Street Streetscape Project.

On October 25, 2016, City Council accepted the five easements and authorized payment and direct filing thereof, accepted Contract No. K-1617-71(Right-of-Way and Utility Agreement with ODOT), and approved Resolution No. R-1617-42 adopting this same contract.

Proposed improvements for the Main Street Streetscape Project include:

1. Landscaping with irrigation system
2. Sidewalks with cobblestone paving band
3. Curbs
4. Street furniture
5. Decorative LED lighting upgrade
6. Traffic signal fiber optic interconnect upgrade
7. Illuminated street signs
8. Pavement mill and overlay with pavement markings
9. Stamped and colored asphalt at intersections
10. ADA ramps and landings
11. Stepped curbs
12. Water line main upgrade from 12" to 16" and service connections
13. Minor drainage improvements

DISCUSSION: The next milestone for this project is for ODOT to bid 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 the project will comply with the Americans with Disabilities Act (ADA)
- 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 for a general construction storm water permit with the EPA 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 construction project is funded by ODOT federal transportation funds, an ODOT Transportation Enhancement Grant, City Capital Funds and Private funds. ODOT has billed the City for the local matching share. Based on the latest engineer's estimate, the total construction cost is \$2,996,620 and the City's share is \$1,667,600. The City's share of these funds must accompany this agreement and be put on account at ODOT. ODOT will use these funds to pay Norman's share of the invoices. After the construction is complete, any unused funds are returned to the City. The Project Funding Table shows the percent and amount funded by each entity based on the current cost estimate.

Should the City's share exceed \$1,667,600, additional funds from the city will be required. The City's share of this project increased in recent months when the asphalt pavement overlay on Main Street was added to the project. When the grant application was submitted in 2010, the pavement on Main Street was in better condition. Staff is proposing to delay three street maintenance mill and overlay projects from 2017 to 2018 to provide the additional funds needed in 2017 for this project. The City will front the \$75,000 in private match when paying ODOT. Then, when the private match is received, an agenda item will be prepared for accepting the funds.

City account numbers, project numbers, and amounts proposed to fund the \$1,742,600, which includes the City's portion of the project, \$1,667,600, and the fronted Public portion of the project, \$75,000, as shown on the City Funding Source Table.

As a part of this agenda item Council is being asked to transfer \$760,000 in funds from the three noted Street Maintenance Projects in the City Funding Source Table to the Main Street Streetscape Project TR0047, Construction Fund Account 050-9300-431.61-01.

The Capital fund originally budgeted \$463,000 to relocate the existing 12" water line with a new 12" water line. However, the Utilities Division recently determined that this water line should be upsized to a 16" line during the streetscape project. The additional cost for construction to upgrade from 12" to 16" within the project limits is estimated to be \$378,466. The NUA Chairperson and Board Members are being asked to approve the use of funds from the Gray/Main Street Water Line Replacement Project WA0202, Account 031-9521-462.61-01 to be used to fund the upsized water line on the Main Street Streetscape Project.

Staff initially deposited a portion of the Main Street Streetscape funds in a Fund 22 Construction Account to be able to pay, be reimbursed, and track the federal funding reimbursement on this project. However, on the contract ODOT submitted to the City, ODOT is handling the federal funding on this project and has invoiced the City for total estimated construction cost minus the federal share. As a result, Council is being requested to approve the transfer of \$498,867 in funds from the Fund 22 Construction Account to the Fund 50 Construction Account to pay a portion of the ODOT invoice.

A bid opening for this project has been scheduled by ODOT on January 19, 2017. The estimated start of construction is March 2017. Construction is anticipated to be complete by mid-November 2017.

RECOMMENDATION NO. 1: Staff recommends approval of Contract K-1617-82 with the Oklahoma Department of Transportation and adoption of Resolution R-1617-59

RECOMMENDATION NO. 2: Staff recommends that Council transfer funds from Street Maintenance Projects SC0601, SC0602 and SC0603 totaling \$760,000 to the Main Street Streetscape Project TR0047, Construction Fund Account 050-9300-431.61-01 and \$498,867 from Main Street Streetscape Project TR0047, Account 022-9300-431.61-01 to Account 050-9300-431.61-01.

RECOMMENDATION NO. 3: Staff further recommends that the Norman Utilities Authority approve the expenditure of \$378,466 from the Gray/Main Street Water Line Replacement Project WA0202, Account 031-9521-462.61-01 to be used to fund the water line size upgrade from 12" to 16" on the Main Street Streetscape Project.