



Legislation Text

File #: K-1718-55, **Version:** 1

CONTRACT K-1718-55: A PROJECT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) IN THE AMOUNT OF \$1,120,000 FOR THE CITY'S SHARE FOR PROJECT STP-114(C)(255)AG, STATE JOB. 26836(04), FOR THE WEST MAIN STREET BRIDGE AT BROOKHAVEN CREEK AND ADOPTION OF RESOLUTION R-1718-30.

BACKGROUND: The existing West Main Street Bridge over Brookhaven Creek was constructed in 1972. This bridge is identified in the Storm Water Master Plan (SWMP) as being "hydraulically deficient" because it is unable to convey a ten-year (10%) storm. This condition likely caused the bridge to sustain serious damage in the flash flooding event of August 19, 2007. City crews made temporary emergency repairs at that time to keep the bridge in service. On January 27, 2009, the Norman City Council approved programming Resolution R-0809-96, requesting federal funds to replace the bridge and roadway approaches on West Main Street over Brookhaven Creek, located ½ mile west of 36th Avenue West.

The existing West Main Street Bridge consists of two 55' long by 9.5' by 6.4' arch pipes that were constructed in 1972. The existing arch pipe bridge structure will be removed and replaced with a triple cell 16 foot by 8 foot Reinforced Concrete Box (RCB) that will be capable of handling the 100-year 1% storm, meeting the City of Norman Design Standards. In addition, approximately 2,900 feet of channel improvements will occur from just upstream of Main Street south to Willow Grove Drive. These improvements will consist of an Anchored Reinforced Vegetation System (ARVS) for the majority of the channel and a Mechanically Stabilized Earth (MSE) retaining wall installed at a 2:1 or 3:1 slope. The channel improvements will allow a larger discharge below the bridge, without raising the Base Flood Elevation (BFE) anywhere along the creek, and decrease stream bank erosion. Included in the improvements is the planting of 2,300 1-inch diameter trees and shrubs along the channel and in the Prairie Creek Park area.

Since this work will occur in the floodway/floodplain of Brookhaven Creek, Section 429.1 Flood Hazard District of the zoning ordinance (commonly referred to as the floodplain ordinance) applies to this project. Section 429.1.4(b)(17)(iii) of the floodplain ordinance requires that modifications to the stream banks or flow line obtain City Council approval. By Resolution R-1516-100, City Council approved a floodplain permit for the new bridge and channel on April 12, 2016.

On August 11, 2009, City Council approved contract K-0910-56 with Garver, LLC for the preliminary design of this project. On June 11, 2010, Council approved Amendment No. 1 for the final design of this project. On December 31, 2012, Council approved Amendment No. 2 modifying the design of the creek improvements, reducing the number of mobile home relocations from nine to two.

On August 28, 2012, Norman voters approved a General Obligation Bond Issue for eight major transportation/stormwater projects throughout Norman, in the amount of \$42.5 million dollars. The Main Street Bridge Project is one of those eight infrastructure projects. The total estimated cost of the project is \$5,545,385, of which federal funds will pay \$3,897,094 or 70.2%.

On April 22, 2014, Council approved Contract K-1314-137 a Right of Way, Utility and Encroachment agreement with the Oklahoma Department of Transportation. This agreement stipulates that the City will acquire all right-of-way required for the project, grant ODOT access to and the use of the right-of-way for this project, relocate all utilities and encroachments from the construction area and to indemnify and hold ODOT harmless.

On February 28, 2017, Council adopted Resolution R-1617-87 that completed an Oklahoma Water Resources Board (OWRB) loan application through Clean Water State Revolving Fund (CWSRF) for the installation of green infrastructure on the West Main Street Bridge over Brookhaven Creek Project. The City has been notified that OWRB has awarded the

City a loan in the amount of \$304,625. This program has a provision for “debt forgiveness” of approximately \$400,000. The City has been granted this loan forgiveness and the full loan amount will be forgiven resulting in additional funding for the project; at no cost to the City.

DISCUSSION: The next milestone 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 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
- 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

The responsibilities of ODOT are:

- File jointly with the contractor the Notice of Intent (NOI) for a general construction stormwater permit with the EPA which authorizes stormwater 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 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 \$5,600,000, with ODOT’s estimated share at \$4,480,000 and the local match of \$1,120,000. The City’s share will be co-funded by 2012 Bond Funds and the OWRB Green Infrastructure grant. 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 on invoices. After the construction is complete, any unused funds are returned to the City. Should the City’s share exceed \$1,120,000, additional funds from the city will be required. The OWRB participation of \$304,625 will be reimbursed to the city after the green infrastructure costs are incurred.

Currently, there is a balance of \$1,170,672.38 in Account No. 050-9352-431.61-01 for Project BP0194, Main Street Bridge over Brookhaven Creek. 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 January 2018. Construction is anticipated to be complete by the end of October 2018. The project will remain open to traffic during construction.

RECOMMENDATION NO.1: Staff recommends approval of Contract K-1718-55 with the Oklahoma Department of Transportation.

RECOMMENDATION NO. 2: Staff further recommends approval of Resolution R-1718-30 adopting Contract K-1718-55, and if approved, authorize the execution thereof.