



Legislation Details (With Text)

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Title:	CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT K-1718-103 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND GRISSOM LANDSCAPE NURSERY FOR OFFSITE TREE PLANTING FOR MAIN STREET BRIDGE OVER BROOKHAVEN CREEK AND BUDGET TRANSFER.				

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CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT K-1718-103 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND GRISSOM LANDSCAPE NURSERY FOR OFFSITE TREE PLANTING FOR MAIN STREET BRIDGE OVER BROOKHAVEN CREEK AND BUDGET TRANSFER.

BACKGROUND: The existing West Main Street Bridge was constructed in 1972. This bridge is identified in the Stormwater Master Plan as being "hydraulically deficient". It is unable to convey a ten-year (10%) storm. This condition likely caused the bridge to sustain serious damage in the flood 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 fifty-five feet (55)' long by 9.5' by 6.4' Corrugated Galvanized Metal Pipes (CGMP) arch pipes that were constructed in 1972. The existing arch pipe bridge structure has been removed and replaced with a triple cell 16' by 8' reinforced concrete bridge structure that will be skewed to align with the existing creek channel and will be capable of handling the 100-year 1% storm. In addition, approximately 2,200' of channel improvements will occur from just upstream of Main Street and continuing to the south. The channel improvements will allow a larger discharge below the bridge without raising the Base Flood Elevation (BFE) anywhere along the creek.

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. The Main Street Bridge Project is one of those eight infrastructure projects.

On April 22, 2014, Council approved Contract K-1314-137; a Right of Way, Utility and Encroachment agreement with the Oklahoma Department of Transportation (ODOT). 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 September 12, 2017, City Council approved the Funding Agreement with ODOT, addressing the responsibilities of both ODOT and the City of Norman. The construction project is funded 80% by federal funds and 20% by local funds. ODOT has billed the City for the local matching share. The total estimated cost for construction, including construction management, is \$5,600,000. The federal share is \$4,480,000, leaving the City of Norman local share of \$1,120,000. The

agreement states that ODOT will use these funds to pay Norman's share on invoices. After 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.

On March 14, 2017, Council adopted Resolution R-1617-77 that completed an Oklahoma Water Resources Board (OWRB) loan application through the Clean Water State Revolving Fund (CWSRF) for the installation of "green infrastructure" on the West Main Street Bridge over Brookhaven Creek Project. The City was notified that OWRB had 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.

The project was part of the January 18, 2018, ODOT bid opening. The Engineer's estimate for construction was \$4,529,294.80. The lowest bid received was for \$6,591,100, 46% over the Engineer's Estimate. The bids were rejected due to excessive unit prices on several pay items. The project also included an Offsite Mitigation component required by the U.S. Army Corps of Engineers that required the planting of 1,480 trees and 200 shrubs in the Prairie Creek Park area (Brookhaven Creek watershed), which increased costs as well. The project was re-submitted to ODOT and scheduled for a May 17, 2018, bid letting. Revisions were made to the plans to utilize more traditional construction practices for channel improvements and the Offsite Mitigation was constructed under a separate contract.

The second bid opening took place on May 17, 2018. The engineers estimate for construction was \$4,529,294.80. The lowest bid received was for \$4,905,000 or 8% over the Engineer's Estimate. ODOT awarded the project on June 4, 2018, and construction began on August 13, 2018 with an expected completion date of June of 2019. The West Main Street Bridge over Brookhaven Creek Project is currently 45% complete.

DISCUSSION: Following the ODOT bid of January 18, 2018, staff contacted the OWRB to determine how the grant funds could be utilized to complete a portion of the project. Because this project is in a regulated waterway, a United States Army Corps of Engineers (USACE) 404 permit was required. A 404 permit is required when waterways or wetlands are being disturbed by a project. These permits require that mitigation be performed to offset the damage that occurs to the stream. In this case, the USACE required additional tree plantings. Due to the large number of trees required, offsite mitigation was required. The location for the planting of the additional 1,480 trees and 200 shrubs is Prairie Creek Park located on Pendleton Drive south of Rock Creek Trail. Brookhaven Creek flows through this park and there have been previous efforts to enhance the aquatic features along this section of Brookhaven Creek and create a more natural waterway. The addition of these plantings will enhance the past project and also help reduce erosion of the banks of Brookhaven Creek.

On March 1st, 2018, the City received approval from OWRB for the Tree Planting Project for Main Street Bridge over Brookhaven Creek; however, the OWRB grant is only refundable through the current Federal Fiscal Year (FFY) and reimbursement must be applied for before May 30, 2018, to allow time for OWRB to process the reimbursement request (see attached letter from OWRB).

To secure the reimbursement of the OWRB grant monies, a portion of the Offsite Mitigation items (tree and shrub plantings) were removed from the ODOT bridge replacement project and were bid as a stand-alone project, the Tree Planting Project for Main Street Bridge over Brookhaven Creek. By doing so it removed these items from the ODOT bid for the project reducing the May 17, 2018, ODOT bid.

Bid documents and specifications for the Tree Planting Project for Main Street Bridge over Brookhaven Creek were advertised on February 8th, 2018 and February 15th, 2018, in accordance to State Law. Eight (8) potential bidders acquired plans and specifications. Four (4) bids were received on March 1, 2018.

The low bidder was Grissom's Landscaping and Nursery of Noble, Oklahoma, in the amount of \$121,618.02. This was \$113,314.98 less than the next lowest bidder and \$22,782.25 less than the previous ODOT bid. The Engineer's Estimate for this project was \$200,387.50. The low bid was 60.7% of the Engineer's Estimate. City staff and the consultant for this project did a comparative analysis of the quotes and determined the quotes to be competitive and representing a fair price. Marcum's Nursery and Grassolutions submitted incomplete bids.

Since this Offsite Tree Planting Project was an environmental mitigation required as a result of the West Main Street Bridge over Brookhaven Creek Project, funding for this project utilized funds from Bridge Improvements, Construction (account 050-9352-431.61-01; project BP0194). The City has submitted invoices to OWRB for reimbursement, which the City has received, on the project invoices in the amount of \$304,625. The OWRB reimbursement funds are requested to

be transferred to the 24th Avenue East Widening bond project, since the West Main Street project paid the costs of the Offsite Tree Planting project up-front.

The Offsite Mitigation Project was completed in March of 2018. However, a provision in the contract required a seventy-five percent (75%) survival rate on the newly planted trees and shrubs for a period of one year (i.e. not less than 1,110 trees and 150 shrubs). City Staff conducted a final inspection of the project site in January of 2019 and determined the survival rate of the plantings was greater than the seventy-five percentile threshold for disapproval and considered the project complete.

RECOMMENDATION NO. 1: Staff recommends acceptance of the Offsite Tree Planting Project for Main Street Bridge over Brookhaven Creek and authorize final payment in the amount of \$18,000 to Grissom Landscape and Nursery.

RECOMMENDATION NO. 2: Staff further recommends an appropriation of \$304,625, the grant funding received from OWRB, from Reimbursement/Other Agency Revenue (050-0000-366.12-39) to the 24th Avenue East Widening Project, Construction account (050-9552-432.61-01; project BP0192).