



## Legislation Text

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**File #:** K-1718-127, **Version:** 1

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**CONTRACT K-1718-127:** A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND RUDY CONSTRUCTION COMPANY IN THE AMOUNT OF \$286,327; PERFORMANCE BOND B-1718-96; STATUTORY BOND B-1718-97, AND MAINTENANCE BOND MB-1718-81 FOR THE MAIN STREET PAVING PROJECT FROM JONES STREET TO PORTER AVENUE, ADOPTION OF RESOLUTION R-1718-114 GRANTING TAX EXEMPT STATUS AND BUDGET TRANSFER 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 that go beyond traditional transportation projects.

Transportation Enhancement (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 K-1617-71 (Right-of-Way and Utility Agreement with ODOT), and approved Resolution R-1617-42 adopting this same contract.

On December 13, 2016, City Council approved Contract K-1617-82 with ODOT, which was the funding agreement for the streetscape project.

On June 5, 2017, the Transportation Commission awarded the Main Street Streetscape Project to Rudy Construction in the amount of \$3,052,446.98.

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:** Tonight's agenda item is for City Council's consideration of awarding a construction contract to Rudy Construction for the resurfacing of Main Street from Jones Avenue to Porter Avenue. Rudy Construction is currently the contractor for the ODOT-administered Main Street Streetscape Project located between James Garner Avenue and Park Drive. The final phase of the streetscape project, Phase 9, is to mill and overlay the existing asphalt surface, install stamped, colored asphalt at the intersections, and install new pavement markings. Tonight's contract would extend these same Phase 9 improvements east three additional blocks to Porter Avenue. The pavement in these blocks needs rehabilitation and the pavement overlay will give the entire Main Street downtown area a fresh look.

Rudy Construction was the low bidder on the ODOT-administered streetscape project and they have agreed to honor the unit prices from that contract to allow the City to extend the resurfacing component of the streetscape project three additional blocks. As a result, there is not a new bid for this additional work. Since this will be a City contract, construction management will be performed by City staff. The additional three blocks of asphalt pavement rehabilitation on Main Street was not eligible to be bid as part of the Main Street Streetscape Project due to ODOT grant requirements.

The cost of this resurfacing project is \$286,327. Currently, the Main Street Streetscape Project, Construction account (050-9300-431.61-01; project TR0047) has a balance of \$163,931. Staff proposes to fund the remaining \$122,396 from the remaining funds in a Streets Capital Project account. These excess funds were for the City's portion of the ODOT-administered resurfacing projects (contract K-1617-64) on segments of Imhoff Road, Constitution Street and Lindsey Street. Due to the excellent bids on that project, there are excess funds available in the project account. A transfer in the amount of \$122,396 from Asphalt Pavement Management, Construction (account 050-9511-431.61-01; project SC0103), to Main Street Streetscape Project, Construction (account 050-9300-431.61-01; project TR0047) is proposed. The remaining funds in the Asphalt Pavement project will be transferred to the Capital Fund Balance.

**RECOMMENDATION NO. 1:** Staff recommends that City Council approve the transfer in the amount of \$122,396 from Asphalt Pavement Management, Construction (account 050-9511-431.61-01; project SC0103), to Main Street Streetscape Project, Construction (account 050-9300-431.61-01; project TR0047).

**RECOMMENDATION NO. 2:** Staff further recommends that the following contract and bonds be approved:

Contract K-1718-127  
Performance Bond B-1718-96  
Statutory Bond B-1718-97  
Maintenance Bond MB-1718-81

**RECOMMENDATION NO.3:** Staff further recommends that, upon approval of Contract K-1718-127, Resolution R-1718-114 be adopted, authorizing Rudy Construction as project agent.