



## Legislation Text

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**File #:** K-1819-43, **Version:** 1

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CONSIDERATION OF AWARDING OF BID 1819-6, APPROVAL OF CONTRACT K-1819-43 WITH CONSTRUCTION UNLIMITED, L.L.C., IN THE AMOUNT OF \$325,000; PERFORMANCE BOND B-1819-24, STATUTORY BOND B-1819-25, MAINTENANCE BOND MB-1819-12 FOR THE WEST MAIN STREET BRIDGE OVER 10 MILE FLAT CREEK PROJECT AND RESOLUTION R-1819-18 GRANTING TAX EXEMPT STATUS.

**BACKGROUND:** On December 6, 1994, a Cleveland County District Court Order required installation of ten (10) 72" corrugated metal pipes (CMPs) and construction of a low water crossing immediately east of the CMPs to relieve the impoundment of water during flooding events caused by a privately constructed roadway at Ten Mile Flat Creek west of 48th Ave NW. The roadway was constructed to allow access to the private properties west of Ten Mile Flat Creek from West Main Street. In August 2007, a major flooding event washed out the CMPs and private roadway at this location, which negatively impacted vehicular access via Main Street to the private properties to the west.

Since the flooding event in 2007, there have been numerous discussions between the City of Norman and the three adjacent property owners regarding the best way to provide access to the properties to the west and how project costs should be shared. On June 27, 2017, City Council approved Contract K-1617-138 between the City of Norman and Arbuckle Properties, Inc., BellaRose, LLC, and Steven Rich, the property owners west of Ten Mile Flat Creek, for the funding and construction of the West Main Street drainage structure and single span bridge.

In an effort to improve access and stream flow at this location, the City of Norman, Arbuckle Properties, Inc., BellaRose, LLC, and Steven Rich are proposing to construct a new single span bridge structure over Ten Mile Flat Creek. The project will also involve stabilization of the stream banks with sheet piles and rip rap.

Since this work will occur in the floodway/floodplain of Ten Mile Flat Creek, Section 429.1 Flood Hazard District of the Zoning Ordinance (commonly referred to as the Floodplain Ordinance) applies to this project. A floodplain permit for the channel improvements was conditionally approved 6-0 by the City Floodplain Permit Committee on December 18, 2017, and approved by City Council on January 9, 2018. All other regulatory approvals were obtained as part of the floodplain permit application process.

**DISCUSSION:** The bridge and channel project was designed by two licensed Professional Civil Engineers, Mr. Lester Sieger, P.E., and Mr. David Hendricks, P.E., under the direction of the private property owners. City staff has reviewed and accepted the engineering plans for the project using the same process as is used for all City capital projects.

The bid opening was conducted on August 16, 2018, and four (4) contractors submitted bids. The Engineer's Estimate is \$334,484. The lowest bid, in the amount of \$325,000, submitted by Construction Unlimited is \$9,484 (3% percent) below the estimate. If approved, construction will begin on this project in October 2018 and will be completed by August 2019.

If approved, funding for Contract K-1819-43 in the amount of \$325,000 is available in the Capital Fund, Drainage Project with Bridge, Construction (account 050-9717-431.61-01; project DR0066). This project is a Capital Budget Stormwater project established as part of Contract K-1617-139 to fund the construction of the West Main Street drainage structure and single span bridge.

The City's share of the project as established Contract K-1617-139 is \$200,000. The three private property owners are paying the remaining costs of the project in the amount of \$125,000. The City has received all required payments from the property owners.

City staff will administer this construction project, including regular field inspections, following the procedures used for other City capital projects. Upon expiration of the Maintenance Bond, the City will maintain the drainage channels and the drainage way abutments, and the private property owners, with the exception of BellaRose, LLC, will accept the maintenance responsibility for the private bridge and the roadway surface of the bridge, all as specified in Contract K-

1617-138.

**RECOMMENDATION NO. 1:** Staff has reviewed the bids and recommends that Bid 1819-6 for the West Main Street Bridge over Ten Mile Flat Creek Bridge Project be awarded to the low bidder, Construction Unlimited, LLC in the amount of \$325,000.

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

Contract K-1819-43  
Performance Bond B-1819-43  
Statutory Bond B-1819-25  
Maintenance Bond MB-1819-18

**RECOMMENDATION NO. 3:** Staff further recommends that Resolution R-1819-18 be adopted authorizing Construction Unlimited, LLC as a project agent to avoid the payment of sales tax for materials purchases related to the project.