



Legislation Text

File #: GID-2021-49, Version: 1

AUTHORIZATION FOR ADDITIONAL PAYMENT IN THE AMOUNT OF \$122,413.10 TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) UNDER CONTRACT K-2021-33, A PROJECT AGREEMENT FOR THE CONSTRUCTION OF ROBINSON STREET WEST OF I-35 PROJECT, ODOT PROJECT STP-214B (104) AG, JOB NO. 31506(04) AND BUDGET APPROPRIATION FROM THE UNP TIF FUND BALANCE.

BACKGROUND: Robinson Street, immediately west of Interstate 35, has been a concern of the City and Norman drivers for more than two decades. The high traffic volume on this segment of roadway, combined with the two closely spaced signalized intersections at North Interstate Drive and Crossroads Boulevard/Rambling Oaks Drive, and the commercial driveways in close proximity to the signalized intersections, make this area one of the most congested in the City.

Development of the University North Park (UNP) area which is bordered by Robinson Street on the south, Tecumseh Road on the north, Interstate Highway 35 on the west, and the Max Westheimer Airport on the east has and will continue to add traffic to this already congested segment of roadway.

To help resolve the additional congestion from UNP, on August 22, 2006, the City Council, acting as the Norman Tax Increment Finance Authority, approved Contract K-0607-45 with the University Town Center L.L.C., regarding Development Agreement No. 1 for the initial project activities associated with the traffic improvements needed to mitigate the additional traffic generated by the University North Park (UNP) development. The agreement stipulated that the improvements would be funded by the UNP Tax Increment Finance District (TIF). One of the related improvements associated with the projects listed in Exhibit "A" (see attached) of the above-mentioned contract is the modification of the Robinson Street interchange on the west side of Interstate 35.

On November 13, 2012, City Council approved Contract K-1213-50 with Garver Engineers in the amount of \$185,600 for Phase 1 of the interchange improvement project, which analyzed the Robinson Street corridor near Interstate 35 and recommended a preferred alternative that improves traffic flow on the west side of the interchange. This allowed Staff to develop a defined scope of work for the interchange improvements.

On July 22, 2014, City Council approved Amendment No. 1 to Contract K-1213-50 with Garver Engineers in the amount of \$38,450 expanding the analysis of the Robinson Street corridor to include the entire UNP area and surrounding transportation network, in essence, completing a new Traffic Impact Analysis (TIA) that uses the latest traffic data and land use scenarios for the undeveloped portions of the UNP. The I-35 at West Robinson Study completed by Garver in March 2014 provided six different alternatives to the existing lane configuration to improve traffic flow on the Robinson Street Interchange on the west side of I-35. Upon review of the six alternatives, three were chosen for further refinement. The three were reviewed for operational and safety advantages and disadvantages, and project cost. The preferred alternative, which will provide temporary relief until either the Robinson Street interchange is reconstructed or a new interchange at Rock Creek Road is

built, relocates the intersection of North Interstate Drive with Robinson Street approximately 225 feet east of the current location and adds more traffic lanes on Robinson Street between Crossroads Boulevard/Rambling Oaks Drive and North Interstate Drive (see Preferred Alternative drawing).

On November 25, 2014, City Council adopted Resolution R-1415-57 requesting \$3,657,170 in federal transportation funds to fund 80% of the construction cost of the preferred alternative.

On April 14, 2015, City Council approved Amendment No. 1B to Contract K-1213-50 with Garver Engineers in the amount of \$59,800 for Phase B of the University North Park Traffic Impact Assessment.

In November, 2016, Staff submitted an application to the Association of Central Oklahoma Governments (ACOG) for inclusion of the project in the regional Transportation Improvement Plan, which made the project eligible for federal funds.

The preferred alternative was reviewed by the Oklahoma Department of Transportation (ODOT) because it impacts the Interstate 35 interchange at Robinson Street. On January 19, 2017 ODOT gave the City their concurrence with the preferred alternative (see the attached Concurrence Letter).

On March 14, 2017, City Council approved Amendment No. 2 to Contract K-1213-50 in the amount of \$394,225 with Garver Engineers for preliminary and final design services on the Robinson Street West of I-35 Project.

On August 25, 2020, City Council approved the following items for this project:

- ODOT funding agreement (Invoice Number 1) in the amount of \$1,003,014
- ODOT Right-of-Way and Utility Agreement
- Accepted three donated temporary driveway easements E-2021-17, E-2021-18 and E-2021-19.

On January 12, 2021, City Council approved payment of ODOT Invoice No. 2 in the amount of \$309,648.68.

Tonight's agenda item is for City Council's consideration to pay ODOT Invoice No. 3 in the amount of \$122,413.10 to bring the City's share current with all actual project costs.

DISCUSSION: To date, the City has made two (2) payments to ODOT toward the City's share of construction and construction management costs. Invoice No. 1 in the amount of \$1,003,014 was for the estimated City's share of the construction cost prior to the November 19, 2020, bid opening. Invoice No. 2 in the amount of \$309,648.68 was the City's share of the actual construction cost of the bid and estimated construction management cost, which was 6% of construction. The 6% percent amount is a good starting point and generally covers the construction management cost when ODOT performs these services with their own staff. On most joint City/ODOT construction projects, ODOT hires an engineering consulting firm to perform these services because they do not have enough staff to oversee all ODOT projects in the area. On this project, ODOT hired Jacobs Engineering to perform the full resident engineering services including engineering oversight, construction inspection, materials sampling and testing, progressive and final audits, construction survey, contract administration and project management. Costs for these services from engineering firms range

anywhere from 8% to over 15%, depending on the project. On this project, Jacobs' fee is \$421,264.26 or 8.38% of the \$5,025,867.52 construction cost. Since the City already paid a portion of the construction management costs with ODOT Invoice 2, the remaining balance of the City's share is \$122,413.10. The attached invoice from ODOT shows the breakdown for the amount owed.

The City's federal fund cap for this project is \$4,012,056. The total construction and construction management cost to date is \$5,447,131.78, which results in the City's Share being \$1,435,075.78 or 26.3% of these costs.

Funds to pay the \$122,413.10 on Invoice 3 requires an appropriation of \$122,413.10 from the UNP TIF Fund balance (57-29000) to Robinson: I-35/Crossroads, Construction (Account Org 57595552, Object 46101; Project UT0011). The funds in the UNP TIF Fund balance are intended to be used for this and other designated transportation improvement projects in the immediate vicinity of University North Park. Upon City Council approval of this appropriation, City staff will make payment to ODOT.

Construction began on April 5, 2021, and is estimated to be completed by December 2021.

RECOMMENDATION NO. 1: Staff recommends an appropriation of \$122,413.10 from the UNP TIF Fund balance (57-29000) to Robinson: I-35/Crossroads, Construction (Account Org 57595552, Object 46101; Project UT0011).

RECOMMENDATION NO. 2: Staff further recommends approval of an additional payment in the amount of \$122,413.10 to ODOT for Construction Management services, under Contract K-2021-33.