



City of Grand Island

Tuesday, September 08, 2009

Council Session

Item G7

**#2009-212 - Approving Supplemental Agreement Number 1 with
NDOR for Repairs to a Portion of US Highway 34/US Highway 281**

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: September 8, 2009

Subject: Approving Supplemental Agreement Number 1 with NDOR for Repairs to a Portion of US Highway 34/US Highway 281

Item #'s: G-7

Presenter(s): Steven P. Riehle, Public Works Director

Background

All agreements must be approved by the City Council.

The City and the Nebraska Department of Roads (NDOR) entered into an agreement (XL0919), which was executed by the City on February 24, 2009 and by the State on March 4, 2009. This agreement allows for repair work on US Highway 34 and US Highway 281, which consists of:

- Hot mix asphalt resurfacing of the northbound lanes of US Highway 34/281 from north of Interstate 80 to the US Highway 34/281 intersection
- Hot mix asphalt resurfacing of the northbound lanes of US Highway 281 from the US Highway 34/281 intersection to the viaduct over the Union Pacific Railroad & Old Highway 30
- Concrete pavement removal and replacement on the northbound lanes of US Highway 281 from Old Potash Hwy to Capital Avenue
- Concrete pavement repair
- Culvert extensions
- Grading
- Guardrail
- Adding north bound right-turn lanes at Faidley Ave, 13th Street & State Street
- Lengthening northbound left-turn lanes at Old Potash Hwy, Faidley Avenue, 13th Street & State Street
- Relocating roadway lighting units
- And crack sealing

Discussion

The original agreement is now being supplemented to allow American Recovery and Reinvestment Act Funds (ARRA Funds) to be used for the project and to modify the estimated project cost.

The City's share of the sections of the project within the corporate limits is 20%. ARRA Funds will pay for the City's share of the construction contract within the corporate limits. The City is responsible for 20% of preliminary engineering, right-of-way, utilities and construction engineering costs for the portions of the project within corporate limits. The City's share is currently estimated at \$91,696.00.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

Public Works Administration recommends that the Council approve a resolution authorizing the Mayor to sign the Supplemental Agreement No. 1.

Sample Motion

Move to approve authorization for the Mayor to sign the agreement.

SUPPLEMENTAL AGREEMENT NO. 1

PROJECT NO. NH-34-4(131)
STATE CONTROL NO. 42433
CITY OF GRAND ISLAND
STATE OF NEBRASKA, DEPARTMENT OF ROADS
IMPROVE HIGHWAY US-34/US-281 IN GRAND ISLAND

THIS SUPPLEMENTAL AGREEMENT, made and entered into by and between the City of Grand Island, hereinafter referred to as the "City", and the State of Nebraska, Department of Roads, hereinafter referred to as the "State",

WITNESSETH:

WHEREAS, the City and State entered into an agreement (XL0919) executed by the City on February 24, 2009, and by the State on March 4, 2009, hereinafter referred to as the "Original Agreement", that provided for the improvement of a portion of Highway US-34/US-281, and

WHEREAS, it now becomes necessary that the Original Agreement be supplemented to allow American Recovery and Reinvestment Act Funds, hereinafter referred to as "ARRA Funds" to be used for the project and to modify the estimated project cost, and

WHEREAS, this project has been designated as being eligible for ARRA Funds, by the Department of Transportation, Federal Highway Administration, hereinafter referred to as the "FHWA", in compliance with Federal Laws pertaining thereto, and

WHEREAS, the City's matching share of the construction costs of the project have been designated as being eligible for C200 ARRA Funds by the FHWA, and

WHEREAS, C200 ARRA Funds will be allowed to fund the City's 20 percent matching cost share of the capped at the award amounts, plus 3 percent for contingencies, of the construction cost of the project that are located within the City's corporate limits, hereinafter referred to collectively as the "City's ARRA Capped Amount"; and

WHEREAS, ARRA Funds will not be allowed to fund any preliminary engineering, right of way, utilities, or construction engineering costs of the project, and

WHEREAS, any charges beyond the City's ARRA Capped Amount for the City's 20 percent matching cost share will be funded with City funds.

NOW THEREFORE, in consideration of these facts, the City and State agree as follows:

SECTION 1. The State agrees to the City's and Nebraska League of Municipalities' request that C200 ARRA Funds be used on this project for the City's ARRA Capped Amount.

SECTION 2. The City and State agree the City's project funding share will be as follows:

- (a) The City's total cost share, including the City's ARRA Capped Amount, is currently estimated to be \$1,148,381.
- (b) Using bid prices and plan quantities and then adding 3 percent for contingencies, the City's ARRA Capped Amount is calculated to be \$1,056,685.

(c) C200 ARRA Funds will not be used for preliminary engineering, right of way, utilities, and construction engineering costs of the project. The City's share of these costs is currently estimated to be \$91,696.

(d) The total cost of the project, which includes preliminary engineering, right of way, utilities, construction and construction engineering costs, is currently estimated to be \$7,064,085.

(e) The final City costs will be calculated based upon actual project costs.

SECTION 3. Except as specifically amended by this Supplemental Agreement, all terms and conditions of the Original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the State and City have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the City this ____ day of _____, 2009.

WITNESS:

CITY OF GRAND ISLAND

City Clerk

Mayor

EXECUTED by the State this ____ day of _____, 2009.

STATE OF NEBRASKA
DEPARTMENT OF ROADS
James J. Knott, P.E.

Roadway Design Engineer

RECOMMENDED:
Wesley Wahlgren, P.E.

District 4 Engineer

CO/AGRC4-NP

RESOLUTION 2009-212

WHEREAS, on February 24, 2009 the City Council of the City of Grand Island approved entering into an agreement with the Nebraska Department of Roads for repairs and resurfacing of US Highways 34 and 281 due to increased traffic and general deterioration of the roadway; and

WHEREAS, such resurfacing shall consist of hot mix asphalt resurfacing on the northbound lanes of US Highway 34/281 from north of Interstate 80 to the US Highway 34/281 intersection, hot mix asphalt resurfacing on US Highway 281 from the US Highway 34/281 intersection to the viaduct over the Union Pacific Railroad & Old Highway 30; concrete removal and replacement on the northbound lanes of US Highway 281 from Old Potash Highway to Capital Avenue; concrete pavement repair; culvert extensions; grading; guardrail; adding north bound right-turn lanes at Faidley Ave, 13th Street & State Street; lengthening northbound left-turn lanes at Old Potash Hwy, Faidley Avenue, 13th Street & State Street; relocating roadway lighting units; and crack sealing; and

WHEREAS, the original agreement is being supplemented to allow American Recovery and Reinvestment Act Funds (ARRA Funds) to be used for the City's share of the construction contract for the project and to modify the estimated project cost; and

WHEREAS, preliminary engineering, right-of-way, utilities and construction engineering costs on this project are not eligible for reimbursement with ARRA Funds; and

WHEREAS, the City's share for preliminary engineering, right-of-way, utilities and construction engineering costs for this project are estimated to be \$91,696; and

WHEREAS, Supplemental Agreement Number 1 to the original agreement with the Nebraska Department of Roads is required to proceed with this project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Supplemental Agreement Number 1 with the Nebraska Department of Roads for the repair and resurfacing improvements of US Highway 34 and US Highway 281 is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island.

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Approved as to Form ✕ _____
September 3, 2009 ✕ City Attorney

Adopted by the City Council of the City of Grand Island, Nebraska, September 8, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk