



City of Grand Island

Tuesday, June 26, 2012

Council Session

Item G12

**#2012-165 - Approving Program Supplemental Agreement No. 3
with The State of Nebraska Department of Roads for the Walk to
Walnut Project**

Staff Contact: John Collins, Public Works Director

Council Agenda Memo

From: Scott Griepenstroh, Project Manager

Meeting: June 26, 2012

Subject: Approving Program Supplemental Agreement No. 3 with The State of Nebraska Department of Roads for the Walk to Walnut Project

Item #'s: G-12

Presenter(s): Scott Griepenstroh, Project Manager

Background

The City Council approved the program agreements with the Nebraska Department of Roads for Safe Routes to School Infrastructure and Non-Infrastructure Program Funding for the Walk to Walnut Project on August 28, 2007. The agreement provided for awarding a construction contract by December 31, 2008.

Supplemental Agreement No. 1, which was approved by City Council on December 16, 2008, extended the schedule by specifying a construction contract be awarded by December 31, 2009.

City Council approved Supplemental Agreement No. 2 on February 10, 2010, which extended the contract award deadline to November 1, 2010.

Discussion

The purpose of Supplemental Agreement No. 3 is to remove the funding cap, as well as the deadline for securing a construction contract to construct this project. The Federal share payable on any portion of this project will be a maximum of 100% of the eligible and participating costs.

The original agreement stated the funding cap to be \$249,004.00. The current estimate for all project costs (preliminary engineering, construction, construction engineering and utility relocation) is \$374,630.00. Supplemental Agreement No. 3 will remove the funding cap and Federal Aid will be used to pay for 100% of the costs for construction, construction engineering and utility relocation.

Submittal of 90% Plans, completion of environmental clearance, and acquisition of right of way are anticipated to be completed in the next three months. Construction of this project is anticipated to be completed in 2012.

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

City Administration recommends that the Council approve Supplemental Agreement No. 3 to the Agreement for the Safe Routes To Schools Walk to Walnut Project.

Sample Motion

Move to approve Supplemental Agreement No. 3.

SUPPLEMENTAL AGREEMENT NO. 3
PROGRAM AGREEMENT

CITY OF GRAND ISLAND, NEBRASKA
STATE OF NEBRASKA DEPARTMENT OF ROADS
PROJECT NO. SRTS-40(57)
CONTROL NO. 42521
GRAND ISLAND WALNUT MIDDLE SCHOOL SRTS PROJECT

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

WITNESSETH:

WHEREAS, the LPA and the State have previously entered into Program Agreement YL0746, executed by the LPA on August 28, 2007 and executed by the State on September 11, 2007, hereinafter referred to as the "Original Agreement", and a supplement agreement executed by the LPA on December 16, 2008 and by the State on December 24, 2008, hereinafter referred to as Supplemental Agreement No. 1 and a supplement agreement executed by the LPA on February 9, 2010 and by the State on March 11, 2010, hereinafter referred to as Supplemental Agreement No. 2, and

WHEREAS, it now becomes necessary to remove the funding cap and the deadline for securing a construction award, and

WHEREAS, it is the desire of the LPA that this project be constructed under the designation of Project No. SRTS-40(57), as evidenced by the Resolution of the LPA dated the ____ day of ____, 2012, attached and identified as Exhibit "A" and made a part of this agreement, and

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

SECTION 1. The Parties agree that there is no deadline for securing a construction contract to construct this project. The previous deadline is removed.

SECTION 2. The Federal share payable on any portion of this project will be a maximum of 100% of the eligible and participating costs.

SECTION 3. The LPA and the State agree that, except for the provisions of Sections 1 through 2 above, all terms and provisions of the Original Agreement YL0746 on Project No. SRTS-40(57) executed by the LPA on August 28, 2007 and executed by the State on September 11, 2007 and Supplement Agreement No. 1 executed by the LPA on December 16, 2008 and by the State on December 24, 2008 and Supplement Agreement No. 2 executed by the LPA on

February 9, 2010 and by the State on March 11, 2010, shall remain in full force and effect.

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

EXECUTED by the LPA this _____ day of _____, 2012.

WITNESS:
RaNaë Edwards

CITY OF GRAND ISLAND
Jay Vavricek

LPA Clerk

Mayor

EXECUTED by the State this _____ day of _____, 2012.

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Jim Wilkinson, P.E.

Local Projects Engineer

Project No. SRTS-40(57)
Control No. 42521
Grand Island Walnut Middle School
SRTS Project

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RESOLUTION 2012-165

WHEREAS, on August 28, 2007, by Resolution 2007-205, the City Council of the City of Grand Island approved the Program Agreement with the Nebraska Department of Roads for the Safe Routes to School Infrastructure and Non-Infrastructure Program funding for the Walk to Walnut Project; and

WHEREAS, on December 16, 2008, by Resolution 2008-351 the City Council approved Supplemental Agreement No. 1 with the Nebraska Department of Roads for the Safe Routes to School Program funding for the Walk to Walnut Project; and

WHEREAS, on February 9, 2010, by Resolution 2010-45 the City Council approved Supplemental Agreement No. 2 which extended the construction contract award deadline to November 1, 2010, and

WHEREAS, the original agreement is now being updated to remove the deadline for securing a construction contract to construct this project, as well as the funding cap.

WHEREAS, the Federal share payable on any portion of this project will be a maximum of 100% of the eligible and participating costs.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Supplemental Agreement No. 3 with the Nebraska Department of Roads for the Safe Routes to School Program funding for the Walk to Walnut Project 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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Adopted by the City Council of the City of Grand Island, Nebraska, June 26, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
June 26, 2012	☐ City Attorney