



City of Grand Island

Tuesday, November 13, 2012

Council Session

Item G19

**#2012-332 - Approving Program Supplemental Agreement No. 1
with the State of Nebraska Department of Roads for the US
Highway 30 Drainage Improvement Project**

Staff Contact: Terry Brown, Interim Public Works Director

Council Agenda Memo

From: Scott Griepenstroh, Project Manager

Meeting: November 13, 2012

Subject: Approving Program Supplemental Agreement No. 1 with the State of Nebraska Department of Roads for the US Highway 30 Drainage Improvement Project

Item #'s: G-19

Presenter(s): Terry Brown, Interim Public Works Director

Background

On April 12, 2011, the Grand Island City Council approved a resolution authorizing the Mayor to sign the program agreement with the Nebraska Department of Roads for the US-30 Drainage Improvement Project. This project will receive Federal Funding through the Surface Transportation Program (STP), which typically only requires a 20% match of City funds.

As per a drainage study conducted to determine the drainage relief area, this project will improve drainage for areas beyond locations eligible for Federal funding. The Federal Highway Administration (FHWA) had agreed to participate on 77% of the construction costs, of which STP funding would be applied on an 80/20 basis. The actual funding split for construction costs will be 61.6% Federal Aid and 38.4% local funds. FHWA agreed to participate 100% on the costs for Preliminary Engineering and the National Environmental Policy Act (NEPA) clearance process (80% Federal Aid and 20% Local Funds).

Discussion

Although the original program agreement with NDOR correctly calculated the City and Federal shares, the agreement was not specific in describing the funding shares for all the items involved with the Preliminary Engineering, Right of Way and Construction phases. The Nebraska Department of Roads considered it appropriate to provide clarity through a supplemental agreement.

The Federal share payable for the eligible and participating costs of the Preliminary Engineering and Right-of-Way Phases of this project, including preliminary engineering, NEPA services, final design, Right-of-Way, Responsible Charge and NDOR costs, will be a maximum of 80 percent. The Federal share payable for the eligible and participating costs of the Construction phase of this project, including Utilities, Construction, Construction Engineering, Responsible Charge and NDOR costs, will be a maximum of 62 percent.

Approval of Environmental Documents was received in July. Approval of 90% Plans and acquisition of easements are anticipated to be completed in the next three months. Construction of this project is anticipated to begin in 2013.

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. 1 to the Agreement with the Nebraska Department of Roads for the US-30 Drainage Improvement Project.

Sample Motion

Move to approve Supplemental Agreement No. 1.

SUPPLEMENTAL AGREEMENT NO. 1
PROJECT PROGRAM

CITY OF GRAND ISLAND, NEBRASKA
STATE OF NEBRASKA DEPARTMENT OF ROADS
PROJECT NO. URB-30-4(158)
CONTROL NO. 40352A
US-30 DRAINAGE IMPROVEMENT

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", and hereinafter referred to collectively as the "Parties",

WITNESSETH:

WHEREAS, the LPA and the State have previously entered into Program Agreement BL1190, executed by the LPA on April 12, 2011 and executed by the State on April 21, 2011, hereinafter referred to as the "Original Agreement", and

WHEREAS, it now becomes necessary to revise the funding responsibilities of the parties, and

WHEREAS, it is the desire of the LPA that this project be constructed under the designation of Project No. URB-30-4(158), 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 Federal share payable for the eligible and participating costs of the Preliminary Engineering and Right-of-Way Phases of this project, including preliminary engineering, NEPA services, final design, Right-of-Way, Responsible Charge and NDOR costs, will be a maximum of 80 percent. The Federal share payable for the eligible and participating costs of the Construction phase of this project, including Utilities, Construction, Construction Engineering, Responsible Charge and NDOR costs, will be a maximum of 62 percent. The total cost of the project as estimated in the Original Agreement is \$876,696. The LPA's share of all costs was estimated to be \$327,985. The Federal share of all eligible costs was estimated to be \$548,711.

SECTION 2. The LPA and the State agree that, except for the provisions of Section 1 above, all terms and provisions of the Original Agreement on Project No. URB-30-4(158) executed by the LPA on April 12, 2011 and executed by the State on April 21, 2011, 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:
RaNae 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. URB-30-4(158)
Control No. 40352A
US-30 Drainage Improvements

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RESOLUTION 2012-332

WHEREAS, on April 12, 2011 the Grand Island City Council approved entering into an agreement with the Nebraska Department of Roads (NDOR) for the construction of the US-30 Drainage Improvement Project; and

WHEREAS, the original agreement with NDOR correctly calculated the City and Federal shares, the agreement was not specific in describing the funding shares for all the items involved with the Preliminary Engineering, Right of Way and Construction phases; and

WHEREAS, the Nebraska Department of Roads considered it appropriate to provide clarity through a supplemental agreement, and

WHEREAS, the Federal share payable for the eligible and participating costs of the Preliminary Engineering and Right-of-Way Phases of this project, including preliminary engineering, NEPA services, final design, Right-of-Way, Responsible Charge and NDOR costs, will be a maximum of 80 percent; and

WHEREAS, the Federal share payable for the eligible and participating costs of the Construction phase of this project, including Utilities, Construction, Construction Engineering, Responsible Charge and NDOR costs, will be a maximum of 62 percent; and

WHEREAS, Supplemental Agreement No. 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 No. 1 with the Nebraska Department of Roads for the construction of the US-30 Drainage Improvement Project is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such Supplemental Agreement No. 1 on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, November 13, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
November 9, 2012	☐ City Attorney