

City of Fayetteville Staff Review Form

2019-0215

Legistar File ID

5/21/2019

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Tim Nyander

4/24/2019

WATER SEWER (720)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Fayetteville City Staff recommends approval of a construction/relocation agreement with the Arkansas Department of Transportation related to the Highway 16 East (15th Street) widening and improvement project from S. College Ave. to Huntsville Rd. ARDOT Project 040579.

Budget Impact:

N/A	N/A
Account Number	Fund
N/A	N/A
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>NA</u>	Item Cost \$ -
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment \$ -
	Remaining Budget \$ -

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # 45-18, 205-17

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF MAY 21, 2019

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Tim Nyander, Utilities Director

DATE: April 24, 2019

SUBJECT: Approval of a construction/relocation agreement with the Arkansas Department of Transportation related to the Highway 16 East (15th Street) widening and improvement project from S. College Ave. to Huntsville Rd. ARDOT Project 040579.

RECOMMENDATION:

Fayetteville City Staff recommends approval of a construction/relocation agreement with the Arkansas Department of Transportation related to the Highway 16 East (15th Street) widening and improvement project from S. College Ave. to Huntsville Rd. ARDOT Project 040579.

BACKGROUND

The Arkansas Department of Transportation has requested utility relocations to prepare for the widening of Highway 16 (15th Street) from S. College Ave. to Huntsville Rd. (Please refer to attached plan cover page).

The water and sanitary sewer relocations for this project are estimated to cost approximately \$2,349,078.66, subject to public bidding. The relocations are estimated to be 62.88% reimbursable to the City of Fayetteville by ARDOT. Based on the estimated cost, this would result in ARDOT funding \$1,477,100.66 and the City of Fayetteville \$871,978.00. The actual costs of construction will determine final contributions from each party. This agreement is primarily to establish the reimbursable percentage for both parties.

DISCUSSION:

McClelland Consulting Engineers, Inc. was selected for and has completed design of the utility relocations necessary for this project. Arkansas Department of Health project review and easement acquisitions are underway, then the project can proceed to bidding.

BUDGET/STAFF IMPACT:

No impact at this time. Funds would be obligated to this project at the time a construction bid award were presented.

Attachments:

ARDOT Relocation Agreement
Copy of cover sheet ARDOT Plan

ARKANSAS STATE HIGHWAY COMMISSION
HIGHWAY - UTILITY CONSTRUCTION/RELOCATION AGREEMENT

State Job No **040486** (Utilities)
040579 (Constr.) County **Washington**

Federal Aid Project **STP-9142(23)** Route **16** Section **3**

Job Location **College Ave. – Huntsville** Utility Owner **City of Fayetteville**

Rd. (Sel. Secs.) (Fayetteville) (S)

THIS AGREEMENT, made and entered into this _____ day of _____, 20 ____, by and between the Arkansas State Highway Commission, acting by and through the duly authorized representatives of the Arkansas Department of Transportation, with headquarters at Little Rock, Arkansas, hereinafter referred to as the “Department,” and the **City of Fayetteville, Arkansas** acting by and through its duly authorized representatives, hereinafter referred to as the “Owner” WITNESSETH:

The Department proposes to make highway improvements as specified under the above referenced job number and the Owner will adjust or relocate its existing facilities as set out in the attached plans and cost estimate.

The Department will participate in the cost of said adjustment/relocation to the extent that eligibility is hereinafter established.

Payment will be made on **actual cost** basis as mutually agreed between Owner and Department.

This agreement is governed by all applicable State and Federal laws, rules, and regulations including the Arkansas State Highway Commission Utility Accommodation Policy adopted by Commission Minute Order 2010-146 as amended and supplemented, the Federal Aid Program Guide on Utility Adjustments and Accommodation on Federal Aid Highway Projects as amended and supplemented, and the provisions of 23 CFR § 645 as amended and supplemented.

DESCRIPTION OF WORK: See Exhibit A on Page 4

The Department agrees that the required adjustment is **62.88%** eligible for reimbursement for the total cost which is estimated to be **\$2,349,078.66** of which **\$1,477,100.66** to be paid by the Department and **\$871,978.00** is to be borne by Owner.

Owner will not commence work until authorized by the Department, and will then endeavor to begin within **210 calendar** days and complete within **180 calendar** days thereafter.

On completion of said work, Owner is responsible for the cleanup and restoration of the work area including the disposal of surplus materials and debris.

Final billing must include all supporting detail. Owner shall also submit one (1) set of as-built drawings at this time.

Payment will be 100% of lump sum bills and actual cost bills, at the discretion of the Department a 10% retainage can be withheld and released upon completion of an audit review. All final bills for utility relocation are subject to review and audit by state and/or federal auditors.

Expenses incurred under an actual cost agreement may be billed to the Department monthly in increments of \$5,000.00 or more.

Owner must maintain cost records and accounts to support the agreed adjustment/relocation work. Said records to be retained and available for inspection for a period of three (3) years from date of final payment.

Owner shall be responsible for any and all hazards to persons, property, and traffic.

With respect to traffic control, owner shall adhere to the requirements of the Manual of Uniform Traffic Control Devices as amended and supplemented.

To the extent applicable to this agreement, the Owner shall comply with the Buy America requirements (as specified in 23 U.S.C. 313 and 23 CFR 635.410). The Owner is not required to change its existing standards for materials as long as the Buy America requirements are met. Buy America requirements take precedence over regulations pertaining to the accommodation or regulation of the Owner's facilities (as specified in 23 CFR 645) on contracts and agreements involving Federal-Aid Highway Program funding and precedence over regulations which allow the Owner to furnish materials from company stock (as specified on 23 CFR 645.117(e)). Company Stock materials that do not meet Buy America requirements may not be permanently incorporated into a Federal-Aid Highway Program funded project. The Owner must provide a definitive statement that all products permanently incorporated into the project are covered under the Buy America requirements. This requirement is fulfilled via proper signature and submission of the statement of charges form. In some circumstances, a waiver of the Buy America requirements may be granted by the Federal Highway Administration, to be determined on a project-by-project basis.

Owner shall be responsible for and shall hold harmless the Arkansas State Highway Commission, the Department and their officers and employees from any and all claims, actions, causes of action, suits, damages, losses or liability whatsoever, arising out of Owner's performance of the work subject to this Agreement.

Notwithstanding anything hereinbefore written, neither the Owner nor the Department by execution of this Agreement waives or relinquishes any rights which either may legally have within the limits of the Law or Constitution, either State or Federal.

City of Fayetteville

ARKANSAS HIGHWAY COMMISSION
Acting By and Through The
ARKANSAS DEPARTMENT of
TRANSPORTATION

Name (Typed or Printed)

(For) Director

Title

Right of Way Division Head

Signature

Section Head-Utilities Section

FEDERAL TAXPAYER IDENTIFICATION #

Name (Typed or Printed)

Title

Signature

EXHIBIT A

Adjust water facilities to clear highway construction by abandoning 4,061 LF of twelve (12) inch, 1,545 LF of eight (8) inch, and 300 LF of six (6) inch water main complete with appurtenances. Restore service by installing 5,300 LF of twelve (12) inch and 1,170 LF of eight (8) inch water main complete with appurtenances.

Adjust sewer facilities to clear highway construction by abandoning 193 LF of six (6) inch sewer main complete with appurtenances. Restore service by installing 230 LF of eight (8) inch sewer main complete with appurtenances.

Of the 6,099 LF of main to be abandoned, 3,835 LF is located on private property; therefore, this work is $3,835 / 6,099 = 62.88\%$ reimbursable. Owner will perform this work with competitively bid contract forces.

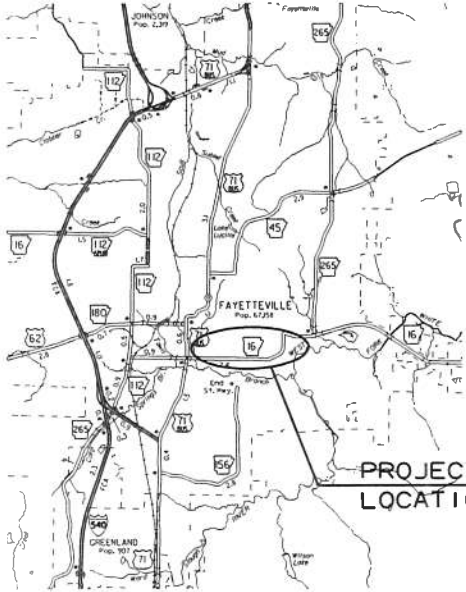
Owner has elected to upscale 1,400 LF of eight (8) inch water main to twelve (12) inch, and a betterment credit has been given the Department.

Summary of Cost

Construction	\$	1,775,000.00
Betterment	(\$	72,250.00)
Construction Engineering	\$	89,672.00
Easement Preparation	\$	15,456.66
Easement Cost	\$	530,700.00
ROW Acquisition	\$	10,000.00
Health Department Review	\$	500.00
Total	\$	2,349,078.66

Reimbursable Cost $\$2,349,078.66 \times 62.88\% = \$1,477,100.66$

DATE REVISED	DATE FILED	DATE REVISED	DATE FILED	FED. RD. DIST. NO.	STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
				6	ARR.			
						JOB NO.	040579	
2 COLLEGE AVE.-HUNTSVILLE RD. (SEL. SECS.) (FAYETTEVILLE) (S)								



ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
CONSTRUCTION PLANS FOR STATE HIGHWAY

COLLEGE AVE.-HUNTSVILLE RD. (SEL. SECS.) (FAYETTEVILLE) (S)

WASHINGTON COUNTY

ROUTE 16 SECTION 3

JOB 040579

FED. AID PROJ. STP-00xx(xx)



ARK. HWY. DIST. NO. 4

PROJECT LOCATION



VICINITY MAP

• DESIGN TRAFFIC DATA •

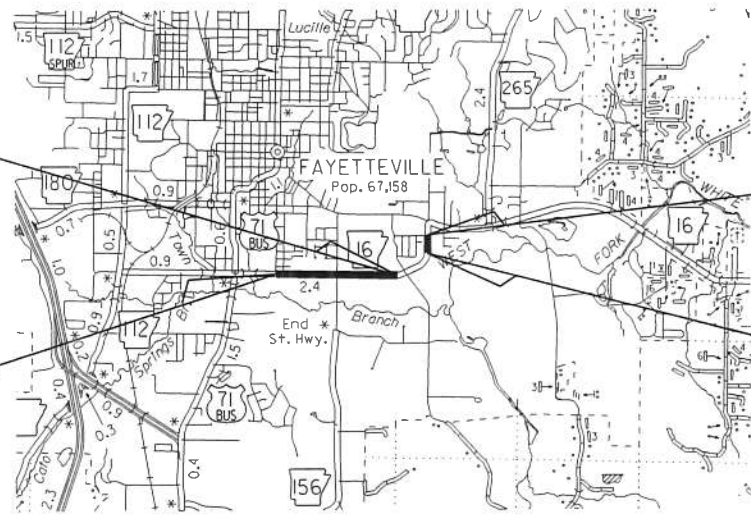
DESIGN YEAR	-----	2029
2009 ADT	-----	12,500
2029 ADT	-----	17,500
2029 DHV	-----	1925
DIRECTIONAL DISTRIBUTION	-----	60%
TRUCKS	-----	13%
DESIGN SPEED	-----	40 MPH

STA. 580+50
JOB EXCEPTION

STA. 605+52
END JOB 040579

STA. 527+94
BEGIN JOB 040579
LOG MILE 0.900

STA. 598+00
JOB EXCEPTION



R 30 W | R 29 W



APPROVED



DEPUTY DIRECTOR
AND CHIEF ENGINEER

	BEGIN PROJECT	MID-POINT OF PROJECT	END PROJECT
LATITUDE	N xx'xx' xx"	N xx'xx' xx"	N xx'xx' xx"
LONGITUDE	W xx'xx' xx"	W xx'xx' xx"	W xx'xx' xx"

GROSS LENGTH OF PROJECT	7758.00	FEET OR	1,469	MILES
NET " " ROADWAY	6008.00	" "	1,138	" "
NET " " BRIDGES	0.00	" "	0.000	" "
NET " " PROJECT	6008.00	" "	1,138	" "

P.E. 040486
NON-PART.

9-17-00 r040579.dwg/1114 sheet

