

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

3/6/2012

City Council Meeting Date
Agenda Items Only

David Jurgens
Submitted By

Utilities Capital Projects
Division

Utilities
Department

Action Required:

Resolution to approve the Arkansas State Highway Commission Highway-Utility Construction/Relocation Agreement to relocate water & sewer utilities as required by the AHTD Job 040489 Utilities, Hwy. 112 Spur (Garland Avenue) from North Street to Janice.

\$ -
Cost of this request

\$ -
Category / Project Budget

Program Category / Project Name

Account Number

\$ -
Funds Used to Date

Water/Sewer Improvements
Program / Project Category Name

06035.2250
Project Number

\$ -
Remaining Balance

Water and Sewer and W/S Bonds
Fund Name

Budgeted Item

Budget Adjustment Attached

David Jurgens
Department Director

13 Feb 12
Date

Previous Ordinance or Resolution #

Paul A. Babin
City Attorney

2-14-12
Date

Original Contract Date:

Original Contract Number:

Paul A. Babin
Finance and Internal Services Director

2-14-2012
Date

Received in City Clerk's Office 02-14-12 P12:31 RCVD
USB

Alan Man
Chief of Staff

2-14-12
Date

Received in Mayor's Office
ENTERED 2/14/12
PK

Scott Jurgens
Mayor

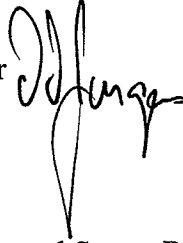
2/15/12
Date

Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

From: David Jurgens, Utilities Director
Water/Sewer Committee



Date: February 10, 2012

Subject: Hwy. 112 (Garland Ave.) Water and Sewer Relocation AHTD-Utility Agreement

RECOMMENDATION

City Administration recommends approval of the Highway-Utility Construction/Relocation Agreement with Arkansas State Highway Commission for water and sewer relocations relating to the widening of Hwy. 112 (Garland Ave.) from North Street to Janice Street.

BACKGROUND

Relocation of existing water and sewer lines is required in preparation for the combined Arkansas Highway Department (AHTD) and City widening of Hwy. 112 (Garland Ave.) from North Street to Janice Street. The majority of the existing water and sewer lines in this section of roadway are located within the AHTD right of way (ROW), so the City will bear the majority of the expense to relocate these lines.

DISCUSSION

This agreement obligates the AHTD to pay 6.64% of the total project cost, or an estimated \$101,926.06, and the City to pay the remaining 93.36% estimated at \$1,433,104.94. In general, the AHTD pays for relocating lines currently existing outside the existing ROW, and the City pays for lines that are currently inside the ROW and any increases in capacity. In this arrangement, the City designs, awards, and supervises construction of the utility relocation project, and will submit monthly requests for reimbursement from the AHTD.

Staff expects to advertise for bids for the utility relocations prior to April 1, 2012.

BUDGET IMPACT

This project is funded from several sources, including water and sewer revenue bonds, water and sewer funds, and possibly transportation bond funds. The actual appropriation, and the budget adjustment moving the funds to the project account, will be requested when the construction contract is awarded.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT WITH THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION COMMISSION REGARDING UTILITY CONSTRUCTION AND RELOCATION OF WATER AND SEWER UTILITIES RELATED TO THE HIGHWAY 112 SPUR (GARLAND AVENUE) WIDENING AND IMPROVEMENT PROJECT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a contract with the Arkansas State Highway and Transportation Commission, a copy of which is attached as Exhibit "A", regarding utility construction and relocation of water and sewer utilities related to the Highway 112 Spur (Garland Avenue) Widening and Improvement Project.

PASSED and APPROVED this 6th day of March, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

AC
LS X

ARKANSAS STATE HIGHWAY COMMISSION
HIGHWAY - UTILITY CONSTRUCTION/RELOCATION AGREEMENT

State Job No. 040489 (Utilities)

County Washington

Federal Aid Project STP-9142(22)

Route 112 Section 1

Job Location Hwy. 112 Spur - North
(Fayetteville) (S)

Utility Owner City of Fayetteville
Water & Sewer

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 State Highway and Transportation Department, with headquarters at Little Rock, Arkansas, hereinafter referred to as the "Department," and the City of Fayetteville Water & Sewer of Fayetteville, AR 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 a *lump sum* 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"

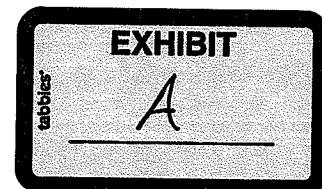
The Department agrees that the required adjustment is 6.64% eligible for reimbursement for the *lump sum* which is estimated to be \$1,535,031.00 of which \$101,926.06 to be paid by the Department and \$1,433,104.94 is to be borne by Owner.

Owner will not commence work until authorized by the Department, and will then endeavor to begin within 120 calendar days and complete within 210 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.

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 Water & Sewer

ARKANSAS STATE HIGHWAY COMMISSION
Acting By and Through The
ARKANSAS STATE HIGHWAY AND
TRANSPORTATION DEPARTMENT

Name (Typed or Printed)

(For) Director of Highways & Transportation

Title

Right of Way Division Head

Signature

Section Head-Utilities Section
Right of Way Division

FEDERAL TAXPAYER IDENTIFICATION#

Name (Typed or Printed)

Title

Signature

EXHIBIT "A"

DESCRIPTION OF WORK: Adjust water facilities to clear highway construction from Station 104+00 Lt. to Station 113+50 Lt. by abandoning approximately 949 feet of twelve (12) inch PVC water line complete with appurtenances. Restore service by installing 949 feet of twelve (12) inch PVC water line, 13 feet of eight (8) inch PVC water line, and 17 feet of six (6) inch PVC water line complete with appurtenances. Owner will adjust the remaining facilities on the project at no cost to the Department. The pro rata factor for reimbursement is determined by dividing the estimated reimbursable construction cost over the total construction cost $\$101,990.00/\$1,535,031.00 = 6.64\%$. Owner is to perform this adjustment work by contract forces.

Summary of Reimbursable Cost
 Station 104+00 Lt. to Station 113+50 Lt.

Construction	\$	97,670.00	
Erosion Control	\$	1,950.00	
Audio/Video Tape Recordings	\$	85.00	
Site Photographs	\$	85.00	
Trench & Excavation Safety System	\$	2,200.00	
Total Reimbursable Cost	\$	101,990.00	\$101,990.00

Summary of Non-reimbursable Cost
 Station 101+00 to Station 104+00 and Station 113+50 to Station 141+80

Construction	\$	1,359,361.00	
Erosion Control	\$	33,050.00	
Audio/Video Tape Recordings	\$	1,415.00	
Site Photographs	\$	1,415.00	
Trench & Excavation Safety System	\$	37,800.00	
Total Non-reimbursable Cost	\$	1,433,041.00	<u>\$1,433,041.00</u>

Total Job Cost: \$1,535,031.00

Reimbursable Cost $\$1,535,031.00 \times 6.64\% = \$101,926.06$