

**City Council Agenda Items  
 and  
 Contracts, Leases or Agreements**

11/20/2012

City Council Meeting Date  
 Agenda Items Only

David Jurgens  
 Submitted By

Water and Sewer  
 Division

Utilities  
 Department

**Action Required:**

Approval of a cost-share and bid waiver in the approximate amount of \$98,949.00, with South Garland Boulevard Associates, LP for the upsizing from a 8" to an 12" proposed water main along Indian Trail From Razorback Road to Rose Ave and installing a 12" water main from Rose Ave to Stadium Drive.

\$ 98,949.00  
 Cost of this request

5400.5600.5808.00  
 Account Number

02067.1  
 Project Number

\$ 154,472.00  
 Category / Project Budget

\$ 31,712.00  
 Funds Used to Date

\$ 122,760.00  
 Remaining Balance

Water and Sewer Cost Sharing  
 Program Category / Project Name

Water and Sewer Improvements  
 Program / Project Category Name

Water and Sewer Fund  
 Fund Name

Budgeted Item

Budget Adjustment Attached

*David Jurgens*  
 Department Director

31 Oct 12  
 Date

Previous Ordinance or Resolution # \_\_\_\_\_

*Paul Kelly*  
 City Attorney

11-2-12  
 Date

Original Contract Date: \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

*Paul A. Beck*  
 Finance and Internal Services Director

11-2-2012  
 Date

Received in City Clerk's Office

**ENTERED**  
*AS* 11-01-12  
*AS*

*Don Man*  
 Chief of Staff

11-7-12  
 Date

Received in Mayor's Office

**ENTERED**  
 11/2/12  
*PH*


*Donald Jurgens*  
 Mayor

11/8/12  
 Date

Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan  
 Don Marr, Chief of Staff  
 Fayetteville Water and Sewer Committee

From: David Jurgens, Utilities Director 

Date: November 1, 2012

Subject: Cost-share and bid waiver with South Garland Boulevard Associates, LP for water main installation

**RECOMMENDATION**

City Administration recommends approval of an ordinance for a cost-share and bid waiver in the approximate amount of \$98,949.00 with South Garland Boulevard Associates, LP for the upsizing from an 8” to an 12” proposed water main from Razorback Road to Rose Ave. and installing a 12” water main from Rose Ave. to Stadium Drive

**BACKGROUND**

South Garland Boulevard Associates, LP recently submitted a Large Scale Development LSD 12-4052 Park Green Collegiate View for approval by the City of Fayetteville. As a condition of approval for this proposed development, a water main is required to be extended from Razorback Road and Martin Luther King Blvd to the site meet fire flow requirements for the 15 acre multistory housing development. A 12” water main is required from MLK Blvd to the site via Stadium Drive and an 8” water main is required from Razorback Road via Indian Trail and Rose Ave. The 8” water main along Indian Trail is the size that is necessary to provide the secondary loop to serve the 12” water main necessary to provide fire flow to serve the proposed development. South Garland Boulevard Associates, LP has hired an engineer to prepare plans for the construction of this water main. The total construction cost of water main improvements associated with this project is approximately \$692,000 including both on and offsite improvements. The total anticipated infrastructure improvements (Street, Drainage, Water, & Sewer) is approximately \$2.5 million.

**DISCUSSION**

The proposed cost share will be to upsize the required 8” water main to a 12” water main from Razorback Road (approximately 1,100 ft) and extending the 12” water main to Stadium Drive (approximately 545 ft) along Indian Trail. This upsizing and main extension will replace the existing 12 inch main on the north side of MLK which is in poor condition. Recently, the existing 12” has had numerous breaks that interrupted service and traffic in the area, the main is also exposed in the College Branch, which increases the probability of damage.

The City would benefit from the cost share by utilizing the developer’s contractor who will already be onsite performing water line installation. A bid waiver is requested since this cost share is greater than \$20,000.

<b>Developer’s Share (8” Water Line on Indian Trail)</b>	<b>\$ 87,747.00</b>
<b>City’s Share (Upgrade 8” to 12” on Indian Trail)</b>	<b>\$ 42,941.00</b>
<b>City’s Cost (Install 12” on Indian Trail)</b>	<b>\$ 51,296.00</b>
<b>5% Contingency (City’s Share)</b>	<b><u>\$ 4,712.00</u></b>
<b>Total</b>	<b>\$186,969.00</b>
<b>Total City’s Portion</b>	<b>\$ 98,949.00</b>

**BUDGET IMPACT**

Funds for the City portion of work are available in the Water and Sewer Cost Sharing Project. The final actual cost to the City will be based upon actual bid price for this project.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A COST-SHARE AGREEMENT WITH SOUTH GARLAND BOULEVARD ASSOCIATES, LP IN THE APPROXIMATE AMOUNT OF \$98,949.00 FOR THE UPGRADING OF AN EIGHT-INCH WATER MAIN TO A TWELVE-INCH WATER MAIN ALONG INDIAN TRAIL FROM RAZORBACK ROAD TO ROSE AVENUE AND THE CONSTRUCTION OF A TWELVE-INCH WATER MAIN FROM ROSE AVENUE TO STADIUM DRIVE

**WHEREAS**, South Garland Boulevard Associates, LP, has hired an engineer for the design and a contractor for the construction of an eight-inch water main along Indian Trail to serve an approved large-scale development (LSD 12-4052 Park Green Collegiate View); and

**WHEREAS**, an existing twelve-inch water main to the west of the development property on Razorback Road and a proposed twelve-inch water main on Stadium Drive will be connected to by the South Garland Boulevard Associates, LP, and in addition they will be extending an eight-inch water main east 1,100 feet as part of the required infrastructure for the development; and

**WHEREAS**, it will benefit and be most cost-effective for the City of Fayetteville to cost-share the upgrade of this eight-inch water main to a twelve-inch water main from Razorback Road and extend the twelve-inch water main Stadium Drive along Indian Trail, due to numerous breaks, interrupted service and traffic in the area,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines the above-stated facts constitute an exceptional situation in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a cost-share agreement with South Garland Boulevard Associates, LP in the approximate amount of \$98,949.00 for the upgrading of an eight-inch water main to a twelve-inch water main along Indian Trail from Razorback Road to Rose Avenue and the construction of a twelve-inch water main from Rose Avenue to Stadium Drive.

**PASSED** and **APPROVED** this 20<sup>th</sup> day of November, 2012

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

## CONTRACTUAL AGREEMENT

This Agreement, made and entered into this \_\_\_\_\_, by and between the City of Fayetteville, Arkansas and South Garland Boulevard Associates, LP, 3 E. Stow Road, Marlton, New Jersey 08053, Witnesseth:

**WHEREAS**, South Garland Boulevard Associates, LP, has hired an engineer for the design and a contractor for the construction of a 8” public water main along Indian Trail to serve their project, Development LSD 12-4052 Park Green Collegiate View; and

**WHEREAS**, there is an existing 12” water main to the west of this property on Razorback Road Lane and a proposed 12” water main on Stadium Drive. South Garland Boulevard Associates, LP will be connecting to this line; and extending a 8” main east 1,100 feet to as part of the required infrastructure for this development; and

**WHEREAS**, it will benefit the City of Fayetteville to upgrade this 8” water main to a 12” water main from Razorback Road (approximately 1,100 ft) and extend the 12” water main to Stadium Drive (approximately 545 ft) along Indian Trail. This upsizing and main extension will replace the existing 12 inch main on the north side of MLK which is in poor condition. Recently the existing 12” water main has had numerous breaks that has interrupted service and traffic in the area, the main is also exposed in the College Branch, which increases the probability of future damage.

**NOW, THEREFORE**, the City of Fayetteville and South Garland Boulevard Associates, LP agree as follows:

1. Upon the City Council and/or the Mayor approving the Water Main Cost-Share, the City of Fayetteville agrees to:
  - A. Pay for 100% of the actual documented construction costs for the upsizing to an 12” main from Razorback Road to Rose Ave along Indian Trail.
  - B. Pay for 100% of the actual documented construction costs for extending the 12” main from Rose Ave to Stadium Drive along Indian Trail.
  - C. Pay a maximum-not-to-exceed cost of \$98,949.00 for the afore mentioned water main construction as was provided by South Garland Boulevard Associates, LP engineer and made a part of this agreement.
  - D. Reconsider the costs if the future and actual construction costs exceed the maximum-not-to-exceed amount that was furnished by South Garland Boulevard Associates, LP. The contractual agreement shall be required to be reevaluated and re-approved by the Mayor and/or City Council as appropriate prior to proceeding with construction.

- E. Make all efforts to provide payment to South Garland Boulevard Associates, LP within thirty (30) days after receipt of the invoice(s) but cannot guarantee the thirty day schedule.
2. South Garland Boulevard Associates, LP agrees to:
- A. Provide the necessary and normal project management, inspection, and testing as necessary for a complete and acceptable water main installation.
  - B. Provide a copy of the invoice(s) from the Contractor and a completed lien waiver executed by the Contractor upon acceptance of the water main installation.
  - C. Not proceed with the proposed construction unless/until the proposed contractual agreement is approved by the City Council and/or the Mayor.
3. It is further understood that the contract for construction is between South Garland Boulevard Associates, LP and his Contractor and that the City has no contractual obligation with either the Contractor or the Engineer. The City's only obligation shall be to participate in a contractual agreement with a not-to-exceed amount of \$98,949.00 for the water main upgrade and extension.

**IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE SIGN BELOW:**

CITY OF FAYETTEVILLE

South Garland Boulevard Associates, LP

By: \_\_\_\_\_  
LIONELD JORDAN, Mayor

By: \_\_\_\_\_

ATTEST \_\_\_\_\_

## Park Green/ The Vue

### Offsite Waterline Extension Cost Reimbursement Breakdown

**Cost of 8" Waterline improvements from Razorback Road to Rose Ave.**

<i>Item Description</i>	<i>Quantity</i>	<i>Unit</i>	<i>Unit Price</i>	<i>Item Price</i>
8" Waterline	1088	LF	\$ 49.35	\$ 53,692.80
16" Bore	90	LF	\$ 310.55	\$ 27,949.50
8" 45-degree fittings	6	EA	\$ 352.69	\$ 2,116.14
12"x8" TS&V	1	EA	\$ 3,989.00	\$ 3,989.00
<b>Subtotal</b>				<b>\$ 87,747.44</b>

**Cost to upsize to 12" Improvements from Razorback Road to Rose Ave.**

<i>Item Description</i>	<i>Quantity</i>	<i>Unit</i>	<i>Unit Price</i>	<i>Item Price</i>
Upsize 8" waterline to 12"	1088	LF	\$ 23.88	\$ 25,981.44
Upsize 16" Bore to 24"	90	LF	\$ 123.35	\$ 11,101.50
Upsize 8" 45-degree fittings to 12"	6	EA	\$ 359.55	\$ 2,157.30
Upsize 12"x8" TS&V to 12"x12"	1	EA	\$ 1,988.76	\$ 1,988.76
Add 12" Butterfly Valve at Tap	1		\$ 1,712.02	\$ 1,712.02
<b>Subtotal</b>				<b>\$ 42,941.02</b>

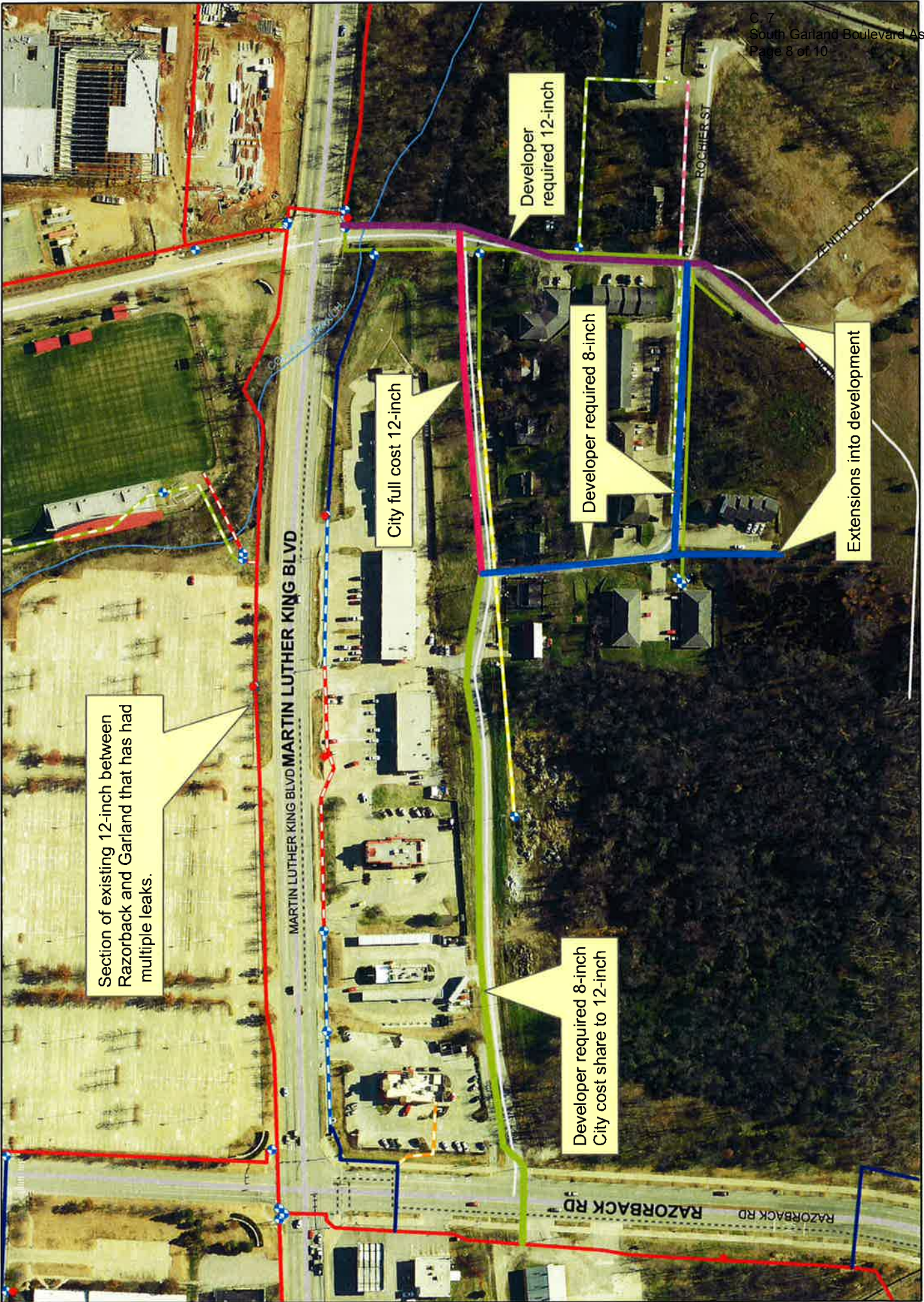
**Improvements from Rose Ave. to Stadium Drive**

<i>Item Description</i>	<i>Quantity</i>	<i>Unit</i>	<i>Unit Price</i>	<i>Item Price</i>
Additional 12" Waterline	545	LF	\$ 70.33	\$ 38,329.85
Added 12"x8" Tee	1	EA	\$ 916.19	\$ 916.19
Added 12"x12" Tee	1	EA	\$ 1,129.08	\$ 1,129.08
Added 12" Butterfly Valve at Tee	1	EA	\$ 1,712.02	\$ 1,712.02
Easement Procurement (Per City)	1	LS	\$ 5,000.00	\$ 5,000.00
Engineering	10	%	\$ 4,208.71	\$ 4,208.71
<b>Subtotal</b>				<b>\$ 51,295.85</b>

**Total Cost of Improvements** **\$ 181,984.31**

**Developer's Portion \$ 87,747.44**

**City's Portion \$ 94,236.87**



Section of existing 12-inch between Razorback and Garland that has had multiple leaks.

City full cost 12-inch

Developer required 8-inch City cost share to 12-inch

Developer required 12-inch

Developer required 8-inch

Extensions into development



**Exhibit A**  
**Cost Share with South Garland Boulevard Associates, LP**





