

City of Fayetteville Staff Review Form

2015-0446

Legistar File ID

10/6/2015

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

Chris Brown

9/18/2015

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of an Agreement with SWEPCO for Utility Relocations on the Old Wire Rd./Hwy 45 Intersection Improvements Project.

Budget Impact:

4520.9555.5809.00		Sales Tax Capital Improvements	
Account Number		Fund	
06035.2600		Old Wire Road (Mission to 265)	
Project Number		Project Title	
Budgeted Item?	Yes	Current Budget	\$ 1,233,536.00
		Funds Obligated	\$ 996,495.68
		Current Balance	\$ 237,040.32
Does item have a cost?	Yes	Item Cost	\$ 40,357.27
Budget Adjustment Attached?	NA	Budget Adjustment	
#		Remaining Budget	\$ 196,683.05

V20140710

Previous Ordinance or Resolution # 31-10

Original Contract Number: _____

Approval Date: _____

Comments:

MEETING OF OCTOBER 6, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Chris Brown, City Engineer

FROM: Matt Casey, Engineering Design Manager

DATE: September 18, 2015

SUBJECT: **Agreement with SWEPCO for Utility Relocations on the Old Wire Rd./Hwy 45 Intersection Improvements Project.**

RECOMMENDATION:

Staff recommends approval of an agreement with SWEPCO for utility relocations on Highway 45 and Old Wire Road as part of the traffic signal and street widening project at this intersection. This agreement will be paid **from AHTD to SWEPCO** with federal aid funds (80%) and City matching funds (20%). The City's portion of this agreement (\$6,361.59) will be paid to the AHTD after the roadway construction bids are received by AHTD.

Staff also recommends authorizing a payment **from the City to SWEPCO** in the amount of \$40,357.27 for the additional cost of relocating the electric lines underground instead of remaining overhead for this project. This payment will be made prior to SWEPCO beginning work on their relocations.

BACKGROUND:

City Council passed Resolution No. 31-10 on February 16, 2010, approving an Agreement of Understanding with the Arkansas Highway and Transportation Department (AHTD) to design and construct the signal and intersection improvements. The resolution also authorized the Mayor to sign any agreements necessary to further the project.

This project includes improvements to the lane configuration to allow for the installation of a traffic signal. Sidewalk installation and storm sewer are also included in the work proposed by the AHTD. The original agreement was for a federal aid funding amount of \$350,000. The agreement has been amended since then to add an additional \$850,000 through the Surface Transportation Program-Attributable Funds (STP-A) for a total of \$1.2 million of federal funding.

DISCUSSION:

The AHTD has presented the City with contracts for relocation of utilities, based on their Utility Accommodation Policy. Their policy provides for reimbursement to utility companies when they are located within private easements, outside of the highway right of way. Any facilities within the right of way must be relocated at the utility's expense. With this particular contract,

approximately 27% of the relocations are outside of the right of way; therefore the reimbursement percentage is 26.67%. This reimbursable amount is estimated to be \$31,807.96, of which the City will pay 20% or \$6,361.59.

The City of Fayetteville Transportation Committee recommended that staff pursue underground relocations of the overhead electric and the communications lines. In order to facilitate the underground relocations, conduit was included in the City's water and sewer location project to accommodate both SWEPCO and Cox Communications. In addition to the conduit installation there are costs to be incurred by SWEPCO to transfer this portion of their system from overhead to underground. SWEPCO has estimated the additional costs for the underground installation to be \$40,357.27.

BUDGET/STAFF IMPACT:

As noted above, federal aid funding is providing 80% of the funding for this work; therefore, the City's share in the \$31,807.96 reimbursable amount is \$6,361.59. The reimbursable amount of the contract will be paid to SWEPCO by the AHTD, and the City will pay our share to the AHTD at the time of construction bids for the highway work. Payment for this work is included in the matching requirement for the project. Therefore, no funds should be encumbered at this time for the Utility Relocation Agreement. However, the \$40,357.27 payment to SWEPCO for the underground installation will be paid by the City from the Transportation Bond Fund.

Attachments:

- SWEPCO Agreement
- SWEPCO Cost Estimate
- Resolution 31-10
- AHTD STIP Amendment (Federal Aid Funding Approval)

CITY-UTILITY RELOCATION AGREEMENT
Between
City of Fayetteville
And
American Electric Power (SWEPCO)

Project No. 040642 Location Hwy. 45/Old Wire Rd. Signal
FAP STP-9142(32) & Inters. Impvts. (Fayetteville) (S)

THIS AGREEMENT, made and entered into _____ day of _____, 20 _____, by and between the **City of Fayetteville, Arkansas**, acting by and through its duly authorized officials, hereinafter referred to as the "City", and the **American Electric Power (SWEPCO)** acting by and through its duly authorized representatives, hereinafter referred to as the "Owner".

The City proposes to make Street 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 City has requested the use of Federal Funds that requires the Arkansas State Highway and Transportation Department to assist the City by providing technical assistance for cost estimate and plan approval, for making the contractual arrangements between City and Owner, and for processing payment for reimbursement.

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 required adjustment is 26.67% eligible for reimbursement for the **lump sum** which is estimated to be \$119,264.94 of which \$31,807.96 is to be paid by the City and \$87,456.98 is to be borne by Owner.

(1) FHWA PORTION 80.00% (2) CITY PORTION 20.00%

Owner will not commence work until authorized by the City/Department and will then endeavor to begin within 84 calendar days and complete within 90 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.

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

(2) 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.

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

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 save the City/Department, its officers and employees harmless in all circumstances.

Notwithstanding anything hereinbefore written, neither the Owner nor the City 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.

**American Electric Power
(SWEPCO)**

City of Fayetteville

Richard J. Hyward
Name

Name

Manager Distribution System
Title

Title

EXHIBIT A

American Electric Power (SWEPCO) will clear street construction by removing fifteen (15) poles complete with attachments; Restore service by installing approximately 2,687 LF of underground power. Of the existing fifteen (15) poles four (4) are located on private easement; therefore the reimbursement factor is $4/15 = 26.67\%$.

Betterment credit has been applied for the difference in cost between the in-kind aerial relocation and the underground option as elected by the city.
 $\$159,622.61 - \$119,264.94 = \$40,357.27$.

Owner will perform this work with a combination of company and contract forces.

Summary of Cost

Construction Cost	\$	144,016.07
Removal Cost	\$	12,285.17
Maintenance Cost	\$	5,065.11
Salvage Credit	\$	(1,744.14)
Betterment Credit	\$	(40,357.27)
TOTAL COST	\$	119,264.94

Reimbursable Cost $\$119,264.94 \times 26.67\% = \$31,807.96$.

<p>SWEP CO</p> <p>SUMMARY OF RELOCATION COST</p> <p>7/25/2015</p> <p>ESTIMATE FOR Mission & Old Wire Road Intersection</p> <p>FAYETTEVILLE, ARKANSAS</p> <p>JOB #040642</p>

		OVERHEAD RELOCATION TOTAL		UNDERGROUND RELOCATION
INVESTMENT COST (MATERIAL AND LABOR)		\$102,172.30	INVESTMENT COST (MATERIAL AND LABOR)	\$144,016.07
INCLUDED RIGHT OF WAY CLEARING	\$7,500.00		INCLUDED RIGHT OF WAY CLEARING	\$2,000.00
INCLUDED EASEMENTS	\$3,000.00		INCLUDED VAULT	\$10,000.00
INCLUDED EXCAVATION	\$4,000.00		INCLUDED EXCAVATION	\$6,000.00
			INCLUDED CRANE	\$2,000.00
REMOVAL COST (LABOR ONLY)		\$13,051.67	REMOVAL COST (LABOR ONLY)	\$12,285.17
MAINTENANCE COST (MATERIAL AND LABOR)		\$5,785.11	MAINTENANCE COST (MATERIAL AND LABOR)	\$5,065.11
LESS SALVAGE MATERIAL		\$1,744.14	LESS SALVAGE MATERIAL	\$1,744.14
LESS BETTERTMENTS			LESS BETTERTMENTS	
NET CONSTRUCTION COST		\$119,264.94	NET CONSTRUCTION COST	\$159,622.21
NUMBER OF EXISTING POLE IN CONFLICT WITH PROJECT	15			
NUMBER OF EXISTING POLES IN CONFLICT THAT ARE REIMBURSABLE	4			
REIMBURSEMENT RATIO	4/15 = 0.2667	26.67%		
TOTAL AMOUNT ELIGIBLE FOR RELOCATION	\$ 31,807.96			
SWEP CO'S OVERHEAD COST	\$119,264.94			
SWEP CO'S UNDERGROUND COST	\$159,622.21			
COST DIFFERENCE	\$40,357.27			
CITY OF FAYETTEVILLE TO PAY ADDITONAL	\$40,357.27			

RESOLUTION NO. 31-10

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID MONIES FOR A TRAFFIC SIGNAL AT THE INTERSECTION OF OLD WIRE ROAD AND STATE HIGHWAY 45

WHEREAS, the City of Fayetteville understands Federal-Aid Surface Transportation funds are available for state roadway projects at the following federal participating ratios:

Type Work	Work Phase	Federal Share	State Share	City Match
Traffic Signals/Intersection Improvements State Highway 45 & Old Wire Road	Construction & Engineering	80%	10%	10%
	Right-of-way & Utilities	0%	0%	100%
Projects programmed but not let to contract	All Phases	0%	0%	100%

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

Section 1. That the City of Fayetteville will participate in accordance with its designated responsibility in this project, which includes providing electrical service and maintenance of the traffic signal and associated control equipment.

Section 2. That the Mayor is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this project.

Section 3. That the City of Fayetteville pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action and construct this project.

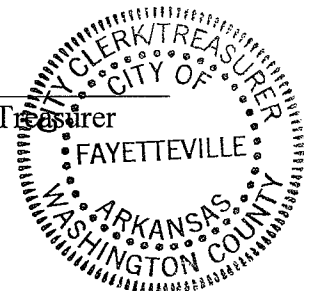
PASSED and APPROVED this 16th day of February, 2010.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



**City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts**

February 16, 2010
City Council Meeting Date

Chris Brown
Submitted By

Engineering
Division

Development Services
Department

Action Required:

Resolution Expressing the Willingness of the City to Utilize Federal-Aid Monies for a Traffic Signal at Old Wire Road and Highway 45.

\$ 13,000.00
Cost of this request

4470.9470.5809.00
Account Number

10011
Project Number

\$ 300,000.00
Category / Project Budget

\$ -
Funds Used to Date

\$ 300,000.00
Remaining Balance

Old Wire Road-Mission to Crossover
Program Category / Project Name

Street Improvements
Program / Project Category Name

Sales Tax Capital Improvement
Fund Name

Budgeted Item

Budget Adjustment Attached

William C. Pate 01-28-2010
Department Director Date

Jeff Kelly 2-1-10
City Attorney Date

Paula. Becher 2-1-2010
Finance and Internal Service Director Date

Ann Man 2-1-10
Chief of Staff Date

Freddie Jordan 2/2/10
Mayor Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office **ENTERED**
1/28/10 *KD*

Received in Mayor's Office **ENTERED**
2/11/10 *JH*

Comments:

CITY COUNCIL AGENDA MEMO

Council Meeting of February 16, 2010

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director *JP*

From: Chris Brown, City Engineer *CB*

Date: January 27, 2010

Subject: A Resolution Expressing the Willingness of the City to Utilize Federal-Aid Monies for a Traffic Signal at Old Wire Road and Highway 45.

PROPOSAL:

City staff made a request for a traffic operations study at the Old Wire Road/Highway 45 intersection to the Arkansas Highway and Transportation Department (AHTD). AHTD conducted the study and determined that the intersection meets the warrants for installation of a signal. Further, the signal installation is eligible for Federal (80%) and State (10%) funding. The City's portion is 10% of the estimated \$130,000 cost. A resolution from the City expressing willingness to utilize this funding and to provide the City's share of the cost is needed before AHTD will begin design on the project.

Funding for the project through AHTD is available immediately; the project can proceed to construction as soon as the design is completed and any necessary right of way is acquired. Construction could begin as early as 2011 if AHTD prepares the design, or sooner if prepared by the City. In addition to the signal, some realignment of the intersection may be needed. If this resolution is approved, staff will work with AHTD to coordinate design and construction of the realignment with the signal installation.

RECOMMENDATION:

Staff recommends Council approval of the resolution. In addition, the Street Committee discussed this opportunity at their January 26th, 2010 meeting, and voted to recommend approval to the full City Council.

BUDGET IMPACT:

Funding for improvements to Old Wire Road, from Mission to Crossover, is included in the 2010 Capital Improvement Program. Funding available is \$300,000; estimated funding for the City's portion of the signal is \$13,000. Funding for the realignment may be eligible for federal funding if it is determined that realignment is necessary for proper signal operation.

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID MONIES FOR A TRAFFIC SIGNAL AT THE INTERSECTION OF OLD WIRE ROAD AND STATE HIGHWAY 45

WHEREAS, the City of Fayetteville understands Federal-Aid Surface Transportation funds are available for state roadway projects at the following federal participating ratios:

Type Work	Work Phase	Federal Share	State Share	City Match
Traffic Signals/Intersection Improvements State Highway 45 & Old Wire Road	Construction & Engineering	80%	10%	10%
	Right-of-way & Utilities	0%	0%	100%
Projects programmed but not let to contract	All Phases	0%	0%	100%

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

Section 1. That the City of Fayetteville will participate in accordance with its designated responsibility in this project, which includes providing electrical service and maintenance of the traffic signal and associated control equipment.

Section 2. That the Mayor is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this project.

Section 3. That the City of Fayetteville pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action and construct this project.

PASSED and APPROVED this 16th day of February, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

RECEIVED
AUG 05 2009
ENGINEERING DIV.

Dan Flowers
Director
Phone (501) 569-2000 Fax (501) 569-2400



P.O. Box 2261
Little Rock, Arkansas 72203-2261
WWW.ARKANSASHIGHWAYS.COM

August 5, 2009

Chris Brown, P.E.
City Engineer
125 West Mountain Street
Fayetteville, AR 72701

Dear Mr. Brown:

Reference is made to your request for a traffic operations study to be conducted at the intersection of Highway 45 and Old Wire Road in Fayetteville.

A study has been completed which included a 24-hour turning movement count, a review of accident history and an on-site investigation. The results of the study indicate that a traffic signal for this intersection is warranted as outlined in the Manual on Uniform Traffic Control Devices.

A project to signalize this intersection is eligible for 80% Federal-aid, 10% State and 10% City funding for construction and engineering costs. The City will be responsible for 100% of the cost of any additional right of way acquisition or utility adjustments as required. The construction and engineering cost estimate for this project is \$130,000.

A copy of a sample Resolution is enclosed for the City to pass should you desire to pursue this project. After the Resolution is passed and signed, please return the Resolution to the Department and a project will be programmed.

If the City decides to proceed with this traffic signal project by utilizing City funding, we will issue a Permit to the City to make the improvements using 100% City funds.

Sincerely,

A handwritten signature in black ink that reads "Scott D. Bennett".

For Frank Vozel
Deputy Director and
Chief Engineer

Enclosure

c: Director
Assistant Chief Engineer – Operations
Maintenance
District 4

RESOLUTION NO. _____

**A RESOLUTION EXPRESSING THE WILLINGNESS
OF THE CITY OF FAYETTEVILLE
TO UTILIZE FEDERAL-AID MONIES
FOR THE FOLLOWING CITY PROJECT:**

Traffic Signal Installation:
Hwy. 45 & Old Wire Rd.

WHEREAS, The City of Fayetteville understands Federal-Aid Surface Transportation funds are available for State roadway projects at the following Federal participating ratios:

Type Work	Work Phase	Federal Share	State Share	City Match
Traffic Signals/ Intersection Improvements State Highway System & City Street: Hwy 45 and Old Wire Rd.	Construction & Engineering	80%	10%	10%
	Right-of-Way & Utilities	0%	0%	100%
Projects programmed but not let to contract	All Phases	0%	0%	100%

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF FAYETTEVILLE, ARKANSAS, THAT:

SECTION I: The CITY will participate in accordance with its designated responsibility in this project, which includes providing electrical service and maintenance of the traffic signal and associated control equipment.

SECTION II: The CITY is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this CITY project.

SECTION III: The CITY pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to construct this project.

THIS RESOLUTION adopted this _____ day of _____, 20__.

MAYOR: _____

ATTEST: _____

ARKANSAS STATE HIGHWAY COMMISSION

JOHN ED REGENOLD
CHAIRMAN
ARMOREL

DICK TRAMMEL
VICE CHAIRMAN
ROGERS

THOMAS B. SCHUECK
LITTLE ROCK



RECEIVED

JUL 17 2014

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

P.O. Box 2261

LITTLE ROCK, ARKANSAS 72203-2261

PHONE (501) 569-2000 • VOICE/TTY 711 • FAX (501) 569-2400

WWW.ARKANSASHIGHWAYS.COM • WWW.IDRIVEARKANSAS.COM

ROBERT S. MOORE, JR.
ARKANSAS CITY

FRANK D. SCOTT, JR.
LITTLE ROCK

SCOTT E. BENNETT, P.E.
DIRECTOR OF
HIGHWAYS AND TRANSPORTATION

July 14, 2014

The Honorable Lioneld Jordan
Mayor of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Re: Job 040642
F.A.P. STP-9142(32)
Hwy. 45/Old Wire Rd. Signal & Inters.
Impvts. (Fayetteville) (S)
Washington County

Dear Mayor Jordan:

Reference is made to the City's request to use Federal-aid Surface Transportation Program Attributable funds for right-of-way acquisition and utility relocation on the referenced project. This request is acceptable to the Department.

This letter, when signed by you and returned to the Department, will constitute a Supplement to the Resolution executed on February 16, 2010. Once approved by you, Federal-aid funds will be available for right-of-way and utility activities. We look forward to working with the City to complete this project. If you have any further questions, please contact Carlos Meredith at (501) 569-2261.

Sincerely,

Handwritten signature of Scott E. Bennett in cursive.

Scott E. Bennett, P.E.
Director of Highways
and Transportation

APPROVED:

Lioneld Jordan
Mayor of Fayetteville

c: Deputy Director and Chief Engineer
Assistant Chief Engineer-Planning
Programs and Contracts
Right of Way
Transportation Planning and Policy
District 4
Job 040642 'C' File
NWA Regional Planning Commission

City of Fayetteville - Purchase Order Request (PO)

(Not a Purchase Order)

All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov.
Purchase shall not be made until an actual PO has been issued.

Requisition No.:	Date:
	9/18/2015
P.O Number:	

Vendor #: 11380	Vendor Name: SWEPCO	Mail <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Legistar#: 2015-0446
Address: PO Box 1328		FOB Point:	Expected Delivery Date:
City: Fayetteville	State: AR	Zip Code: 72702 Ship to code:	
Requester: Matt Casey		Requester's Employee #: 2119	Extension: 444-3429

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	Utility Relocations for Old Wire Rd. and Mission intersection	1		40,357.27	\$40,357.27	4520.9555.5809.00	06035.2600		
2					\$0.00				
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:	Subtotal: <u> \$40,357.27</u> Tax: <u> \$0.00</u> Total: <u> \$40,357.27</u>
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Approvals:

Mayor: _____	Department Director: _____	Purchasing Manager: _____
Chief Financial Officer: _____	Budget Director: _____	IT Director: _____
Dispatch Manager: _____	Utilities Manager: _____	Other: _____