

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

## Item Details

Presenter(s): Russell H. Dalton, PE, Traffic Engineering Manager

Department(s): Transportation & Infrastructure Development

### Requested Motion

Motion to approve a Construction Agreement with CSX Transportation, Inc., requiring payment in the amount of \$763,056.00 for contracted and administrative engineering services and flagging services for construction of the Apex Peakway bridge over South Salem Street and closure of the Tingen Road grade crossing, and to authorize the Interim Town Manager, or their designee, to execute on behalf of the Town.

### Approval Recommended?

Yes

### Item Details

This Construction Agreement is required prior to construction of the Apex Peakway bridge over South Salem Street and closure of the Tingen Road grade crossing, compensating CSXT for contracted & administrative engineering services and flagging services. It is required prior to North Carolina Department of Transportation (NCDOT) approval of the construction contract for the Town's Apex Peakway project, which is federally-funded up to a maximum of \$12,500,000.00 for construction reimbursement in project U-5928 under separate agreement with NCDOT.

Advance Payment in Full (\$763,056.00) according to the terms of the Construction Agreement: Upon execution and delivery of notice to proceed with the Project, Agency will deposit with CSXT a sum equal to the Reimbursable Expenses, as shown by the Estimate. If CSXT anticipates that it may incur Reimbursable Expenses in excess of the deposited amount, CSXT will request an additional deposit equal to the then remaining Reimbursable Expenses which CSXT estimates that it will incur. CSXT shall request such additional deposit by delivery of invoices to Agency. Agency shall make such additional deposit within 30 days following delivery of such invoice to Agency.

### Attachments

- CN9-A1: Construction Agreement - CSX Transportation, Inc - Apex Peakway Bridge - South Salem Street and Closure of Tingen Road

- CN9-A2: Certificate of Insurance - Construction Agreement - CSX Transportation, Inc - Apex Peakway Bridge - South Salem Street and Closure of Tingen Road

