



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 06/14/2022

**REQUESTER:** Paul D'Andrea, Capital Projects Engineer

**PRESENTER:** Shawn O'Leary, Public Works Director

**ITEM TITLE:** CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2122-135: A PROJECT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR PROJECT STP-214D(125)AG, JOB 35323(04) FOR THE NORMAN FORWARD JAMES GARNER AVENUE PROJECT, PHASE II, ACRES STREET TO FLOOD AVENUE, AND RESOLUTION R-2122-129 .

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### **BACKGROUND:**

On November 8, 2016, the City Council approved programming Resolution R-1617-49 requesting federal funds to widen James Garner Avenue from Acres Street to Flood Avenue. This Resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to provide 80% of the cost of construction with a 20% matching share from the City of Norman. In order to receive the federal funding, the City of Norman is required to enter in an agreement with ODOT to complete the design, acquire all rights-of-way and relocate existing utilities/encroachments at City's cost.

This Norman Forward Street Improvement Project will create a new entry into downtown and will help alleviate traffic on both Flood Avenue and Porter Avenue. The scope of this project includes:

- Construction of a new two-lane extension of James Garner Avenue from Acres Street to Flood Avenue
- New roadway bridge over Robinson Street
- New two-lane modern roundabout intersection at Flood Avenue
- Landscaping and Low Impact Development measures in roadway medians
- Reconstruction and extension of a portion of the Legacy Trail to accommodate the new roadway.
- New lighting along the street and Legacy Trail.
- Reconstruction of local residential streets as necessary.

In March of 2017, the City Council approved the design contract (K-1617-105) with Cabbiness Engineering, in the amount of \$427,000 for the James Garner Avenue Project from Acres Street to Flood Avenue, and Cabbiness began preliminary design for the project.

On August 27, 2019, City Council approved Amendment No. One for Contract K-1617-105 with Cabbiness Engineering, in the amount of \$2,275 for the design of the James Garner Avenue Project from Acres Street to Flood Avenue.

On March 23, 2021, City Council approved Amendment No. Two for contract K-1617-105 with Garver, L.L.C., (formerly Cabbiness) in the amount of \$5,675 for the design of the James Garner Avenue Project from Acres Street to Flood Avenue.

On November 9, 2021, the City of Norman purchased property North of Robinson Street from the Judith E. Drabek Foundation Trust in the amount of \$81,936 for the construction of the James Garner Avenue Phase II from Acres Street to Flood Avenue Norman Forward Project.

Pursuant to Contract No. K-2021-94, an Exchange Agreement with the University of Oklahoma, and effective February 28, 2022, the City of Norman secured property North of Robinson Street, from the University of Oklahoma, for the construction of the James Garner Avenue Phase II from Acres Street to Flood Avenue Norman Forward Project.

On April 12, 2022, City Council approved Contract Amendment No. Three for Contract K-1617-105 with Garver, LLC, in the amount of \$34,400 for the design of the James Garner Avenue Project from Acres Street to Flood Avenue.

On May 24, 2022, City Council accepted Easement E-2122-65 establishing a roadway, sidewalk, and utility easement across the lands purchased for construction of the James Garner Phase II-Acres Street to Flood Avenue Norman Forward Project.

## **DISCUSSION:**

The next milestone for this project is for ODOT to place the project on their bid schedule. Prior to submitting for placement on the schedule, ODOT requires the City of Norman to enter into a project agreement and to adopt it by Resolution. ODOT has requested the City approve the attached agreement that addresses the responsibilities of the City of Norman and ODOT. Staff has reviewed and recommends approval of the project agreement and resolution.

In summary, the City's responsibilities are:

- Prepare plans for construction in conformance with ODOT 2019 Standard Specifications
- Provide necessary rights-of-way to construct the project and relocate any utilities
- Maintain the traffic signal equipment after construction
- Certify the project will comply with the Americans with Disabilities Act (ADA)
- Comply with environmental requirements
- Maintain the roadway and all drainage systems and facilities after construction
- Ensure permanent rights-of-way are free of any encroachments
- Maintain lighting and lighting systems

In summary, ODOT's responsibilities are:

- File jointly with the contractor the Notice of Intent (NOI) for a general construction storm water permit with the EPA which authorizes storm water discharges associated with construction activities
- Advertise and let the construction contract for this project
- Construct the project in accordance with the plans
- Provide competent supervision of the construction

The construction and construction management portion of the project is funded 80% by ODOT and 20% by local funds with a maximum cap for the ODOT federal funds.

Based on the latest engineer's estimate, the total construction and construction management cost for the James Garner Phase II Norman Forward project is estimated to be \$6,490,330. ODOT's estimated share is capped at a maximum of \$4,825,733, therefore, the local match would be \$1,664,597. The City's share is funded by Norman Forward Funds available within the project account. ODOT will bill the City for the local matching share based on the final engineer's estimate and at the time of submission of the final plans and estimate for placement on the ODOT bid schedule. Should 80% of the total construction cost exceed the ODOT cap, the City will be responsible for the additional costs. If the final construction costs underrun the estimated amount, the City's share will be adjusted to 20% of the final cost and any excess funds paid by the City will be refunded.

The funds for this ODOT agreement will be paid from the James Garner Avenue Phase II Norman Forward Project NFP109, Construction (51594405-46101).

If this agreement is approved by Council, final plans, specifications, and estimate will be submitted to ODOT and a bid date will be set. The current target for bid opening is September 2022. If that target date is met, construction of the project will begin around November or December 2022. Construction should be completed by December 2022.

#### **RECOMMENDATION No. 1:**

Staff recommends approval of Contract K-2122-135 with the Oklahoma Department of Transportation.

#### **RECOMMENDATION No. 2:**

Staff further recommends approval of Resolution R-2122-129 adopting Contract K-2122-135, a Project Agreement with ODOT for Project STP-214D(125)AG, JOB 35323(04).