

EM SUBMISSION NO.: 2012EM121

PRESENTED: 2-23-12

ADOPTED: 2-23-12

BY THE EMERGENCY MANAGER:

Authorization for Appropriate City of Flint Officials to Do All Things Necessary to Enter into MDOT Contract No. 11-5635, Job No. 111965 and Job No. 111969, for the Purpose of Fixing the Rights and Obligations of the Parties in Agreeing to Improvements for the Lippincott Boulevard (Burr Boulevard to Averill Avenue) and Stewart Avenue (Clio Road to Dupont Street) Resurfacing Projects

MDOT has submitted to the City of Flint MDOT Contract No. 11-5635, Job No. 111965 and Job No. 111969, to be executed between MDOT and the City of Flint for the purpose of fixing the rights and obligations of the parties in agreeing to improvements for the hot mix asphalt cold milling and resurfacing work along Lippincott Boulevard (from Burr Boulevard to Averill Avenue) and Stewart Avenue (from Clio Road to Dupont Street) including concrete pavement repairs, concrete curb and gutter, earthwork, concrete sidewalks, and sidewalk ramp work; all together with necessary related work. The estimated total project cost for the Part A Lippincott Boulevard project is \$649,800; Part B Stewart Avenue project is \$430,300; for an aggregate total project cost of \$1,080,100.

MDOT has indicated Federal funds programmed under the Surface Transportation Program shall be applied to the eligible items of the project costs at an amount not-to-exceed \$849,153 (federal share for Lippincott \$531,900; federal share for Stewart \$317,253). City of Flint shall be 100% responsible for payment of the remaining project costs, which are estimated to total \$117,900 for Lippincott; \$113,047 for Stewart.

The Department of Transportation is requesting that appropriate City officials be authorized to enter into MDOT Contract No. 11-5635, Job No. 111965 and Job No. 111969, and to do all things necessary to fulfill all provisions of the contract. Funding for said contract will be made available in the City of Flint Major Street Fund FY12/13 budget from account 202-441-702-801.000, contingent upon adoption of the FY12/13 budget.

IT IS RESOLVED, appropriate City of Flint officials are hereby authorized to enter into MDOT Contract No. 11-5635, Job No. 111965 and Job No. 111969, and to do all things necessary to fulfill all provisions of the contract. Funding for said contract will be made available in the City of Flint Major Street Fund FY12/13 budget from account 202-441-702-801.000, contingent upon adoption of the FY12/13 budget.

IT IS FURTHER RESOLVED, Dayne Walling, Mayor of the City of Flint, is hereby designated the City of Flint official authorized to sign MDOT Contract No. 11-5635 on behalf of the City of Flint.

APPROVED AS TO FORM:


Peter M. Bade, Chief Legal Officer

APPROVED AS TO FINANCE:


Jerry Ambrose, Finance Director

EM DISPOSITION:

ENACT ☒ FAIL

DATED 2-23-12


Michael K. Brown, Emergency Manager

Date: February 17, 2012

Agenda Item Title: Authorization for Appropriate City of Flint Officials to Do All Things Necessary to Enter into MDOT Contract No. 11-5635, Job No. 111965 and Job No. 111969, for the Purpose of Fixing the Rights and Obligations of the Parties in Agreeing to Improvements for the Lippincott Boulevard (Burr Boulevard to Averill Avenue) and Stewart Avenue (Clio Road to Dupont Street) Resurfacing Projects

Prepared By: Kay Muhammad on behalf of Howard Croft, Director of Infrastructure and Development

Background/Summary of Proposed Action:

The City of Flint Department of Transportation programmed the Lippincott Boulevard (*from Burr Boulevard to Averill Avenue*) and Stewart Avenue (*from Clio Road to Dupont Street*) through the Michigan Department of Transportation (MDOT) with the United States Department of Transportation, Federal Highway Administration (FHWA) for construction engineering and construction expenses to be funded with the use of Surface Transportation Program (STP) funds.

The Lippincott and Stewart resurfacing projects will consist of cold milling, and hot mix asphalt, concrete pavement repairs, concrete curb and gutter, earthwork, concrete sidewalks, and sidewalk ramp work; all together with necessary related work.

The Michigan Department of Transportation (MDOT) has submitted to the City of Flint a contract to be made and executed between MDOT and the City of Flint for the purpose of fixing the rights and obligations of the parties in agreeing to improvements for the hot mix asphalt cold milling and resurfacing work. Estimated total project cost is \$1,080,100, which includes \$995,300 for contracted construction work and \$84,8000 for construction engineering, construction materials testing, and inspection.

MDOT has indicated federal funds shall be applied to the eligible items of the project costs up to an amount not-to-exceed \$531,900 for the Lippincott project and \$317,253 for the Stewart project. However, the City of Flint will be responsible for securing construction engineering services and paying upfront costs for all construction engineering services provided for the project. The City will be required to submit a reimbursement request to MDOT under MDOT contract no. 11-5635 for the total amount of the engineering costs. MDOT will reimburse the City for all costs incurred for construction engineering services for the project when proof of the expense is submitted for reimbursement.

The estimated cost participation for the City including the upfront construction engineering costs will be \$117,900 for the Lippincott project and \$113,047 for the Stewart Avenue project; the estimated cost participation for the City after the City is reimbursed for the construction engineering costs will be \$33,100 for the Lippincott project and \$113,047 for the Stewart Avenue project.

Therefore the Department of Transportation is requesting authorization to enter into MDOT Contract No. 11-5635, Job No. 111965 and Job No. 111969, and to do all things necessary to fulfill all provisions of the contract. Because construction of the project will not actually begin until after July 1, 2012, the department is requesting that no funding be allocated from the City's FY11/12 budget to pay for the project. It is requested that funding for said contract be made available in the City of Flint FY12/13 Major Street Fund budget from account 202-441-702-801.000, contingent upon adoption of the FY12/13 budget. It is also anticipated that the construction engineering contract that the City will execute with

Rowe Professional Services Company will be executed as a separate contract and upfront construction engineering costs will be funded in the FY12/13 budget, contingent upon the adoption of the FY12/13 budget. The upfront construction engineering costs will be reimbursed by MDOT when a validated reimbursement request is submitted to MDOT.

It should be noted there are no other TIP projects scheduled for construction in FY12/13 that will require the City to allocate FY12/13 funds for construction costs. However there will be one other TIP project, the Saginaw Street project (Hamilton to Pierson Road) that will utilize FY12/13 funds to pay for upfront preliminary engineering costs, which will be reimbursed with federal funds to the City at a rate of approximately 80% of the incurred costs.

Financial Implications: The City cannot access federal funds totaling \$849,153 for this project if the contract is not executed. The City will also be ineligible for reimbursement of a prorated percentage of construction engineering costs if MDOT Contract No. 11-5635 is not fully executed.


Budgeted Expenditure? Yes No ☒ Please explain if no:
Funding contingent upon adoption of the FY12/13 budget

Account No.: 202-441.702-801.000, upon adoption of the FY12/13 budget

Pre-encumbered? Yes No ☒ **Requisition #** to be encumbered in the FY12/13 budget

Other Implications (i.e., collective bargaining):

Staff Recommendation: Recommend Approval

Staff Person: 
Howard Croft
Director of Infrastructure and Development