



City of Grand Forks Staff Report

Committee of the Whole – March 25, 2019

City Council – April 1, 2019

Agenda Item: Cost Participation and Maintenance Agreement with the NDDOT for City Project No. 7956 - ADA Sidewalk Curb Ramps on Washington Street from Hammerling Avenue to 8th Avenue N

Submitted by: Engineering Department, Mark S. Walker, PE (Assistant City Engineer)
Mike Yavarow, PE (Civil Engineer Principal)

Staff Recommended Action: Approve Cost Participation and Maintenance Agreement with the NDDOT for City Project No. 7956 - ADA Sidewalk Curb Ramps on Washington Street from Hammerling Avenue to 8th Avenue N

Committee Recommended Action: Refer to City Council with the recommendation to approve.

Council Action:

BACKGROUND:

The Agreement under consideration is a standard agreement with the North Dakota Department of Transportation (NDDOT) and provides for use of federal funds on this project. The Agreement identifies the responsibilities for payment of the project costs and maintenance responsibilities for the project once completed. The project is proposed to be funded with 80.93% Federal funding, 9.07% State funding, and 10% City funding. Further, maintenance responsibilities will remain unchanged from the previous Agreement.

This project is being proposed by the NDDOT and is intended to upgrade the sidewalk curb ramps on Washington Street from Hammerling Avenue to 8th Avenue North. This is the second part of the Washington Street mill and overlay project that was constructed last summer. Originally, this section of roadway was scheduled to be milled and overlaid sometime in the next several years. However, the condition of the overlay had severely deteriorated during the previous winter/spring and would require significant maintenance efforts to keep it functional for the next several years. Recognizing this problem, the NDDOT was able to advance the project to last summer; however, there was not adequate time to upgrade the sidewalk curb ramps, which is the purpose of this project.

The project will consist of removing all sidewalk curb ramps along the entire length of the project that do not comply with ADA requirements and reconstructing them in accordance to ADA requirements. The NDDOT hired the firm of SRF to perform the Preliminary Engineering on the project.

On November 5, 2018 the Council approved a Preliminary Engineering Reimbursement Agreement with the NDDOT for this project.

ANALYSIS AND FINDINGS OF FACT:

- The proposed project funding split for eligible project expenses is 80.93% Federal, 9.07% State, and 10% City.
- The current estimated total project costs, including engineering, lands, and construction, are as follows:

\$666,373	Total Project Cost
\$539,296	Less Federal Share
<u>\$ 60,440</u>	Less State Share
\$ 66,637	City Share
- Funding for the local share will be from the Street/Infrastructure Fund 4815.
- Although the City share for this project is currently estimated to be greater than the amount included in the Street/Infrastructure Fund for this project, any additional funds needed for this project will be from unused money from the other projects listed in the Street/Infrastructure Fund that were not constructed or under budget.
- It is expected that this project will again be placed on upcoming Committee of the Whole agendas, some of which are as follows:
 - May 2019 – Plans and Specifications
 - June 2019 – Award of bids
- Bids are planned to be opened on June 14, 2019 at the NDDOT in Bismarck.
- Construction is currently anticipated to take place during the 2019 construction season

SUPPORT MATERIALS:

- Pertinent pages of Proposed Agreement (5 pages)
- Project location map (1 page)
- Page 320 from the 2019 City Budget indicating local funding source for this project (1 page)

**North Dakota Department of Transportation
COST PARTICIPATION AND MAINTENANCE AGREEMENT**

Federal Award Information – to be provided by NDDOT

CFDA No: 20.205

CFDA Title: Highway Planning & Construction

Award Name: Federal Aid Highway Program

Awarding Fed. Agency: Federal Highway Admin

NDDOT Program Mgr: Striefel, Ardin L.

Telephone: 328-2559

Notice to Subrecipients: Federal awards may have specific compliance requirements. If you are not aware of the specific requirements for your award, please contact your NDDOT Program Manager.

Project No.NHU-6-081(101)943

Location: North Washington St (Hammerling to 8th Ave)

Type of Improvement: Sidewalk ADA Ramps

Point of Beginning: RP 943.202

Point of Ending: RP 944.615

In consideration of the mutual benefits to be derived therefrom, it is agreed between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and the Local Public Agency (LPA) of Grand Forks, North Dakota, hereinafter referred to as the LPA, the project will be constructed in accordance with the current edition of NDDOT's *Standard Specifications for Road and Bridge Construction* and with the plans incorporated into this agreement by reference.

The LPA

- a. Will pay 10 percent of the cost of rights of way and easements acquired for the project; and
- b. Will pay 10 percent of the total cost of all items which are determined eligible for funding participation. This total cost will include the actual construction cost plus 10 percent for the preliminary and construction engineering; and
- c. Will pay 100 percent of the construction costs plus 10 percent for the preliminary and construction engineering of all items as requested by the LPA for items determined to be non-participating or ineligible for federal aid.

PART I

LPA Obligation:

- 1. The LPA will pay to NDDOT as the work progresses or when completed its share of the total cost of the project as defined above.
- 2. It is specifically agreed that if at any time the LPA fails to pay the amount billed to NDDOT within 60 days after billings, this document shall constitute an assignment of funds derived from the State Highway Tax Distribution Fund now or hereafter coming into the hands of the State Treasurer to the credit of the LPA, and the State Treasurer is hereby directed to deliver and pay over to NDDOT all funds credited to the LPA until the total thereof equals the sum billed pursuant to this agreement.



The preliminary cost estimate of the project is \$666,373, with the LPA's estimated share being \$66,637.

3. All existing LPA right of way within the project limits will be provided by the LPA with clear title and available for use in the project.

PART II

Post Construction

After the project is completed the LPA agrees to:

1. The LPA will control the length and location of curb openings for future entrances and will not permit the length of curb openings for entrances to exceed the length shown on the plans or as shown on a sketch of typical entrances for similar entrances; and will prohibit the construction or use of any entrances along the project within the LPA other than those shown on the plans, without prior approval of NDDOT.
2. The LPA will not change any speed limit signs as shown on the plans without prior approval of NDDOT.
3. The LPA will prohibit double and diagonal parking and will control all parallel parking where allowed within the limits of the project in a manner satisfactory to NDDOT and to the Federal Highway Administration (FHWA), or both.
4. All signs, signals, markings, and other protective structures erected on or in connection with the project, including those installed at the sole cost and expense of the LPA or by others, shall be approved by NDDOT. All traffic control devices will be in conformance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.
5. All right of way for the project will be maintained free of all encroachments except utilities and others in accordance with the current edition of NDDOT's "A Policy for Accommodation of Utilities on State Highway Right-of-Way". All obstructions to, interference with, or hazards to traffic flow will be removed by the LPA at the request of NDDOT. The LPA will be responsible for any consideration, avoidance, and minimization of impacts upon real property related to this project, such as changes in the grades of the streets, inconveniences to property or business, and any loss of light, air, view, access, egress, drainage, support, or nuisance.

PART III

Maintenance

1. The LPA is responsible for all maintenance activities. The LPA is also responsible for restoring to original condition any cuts in surface initiated by the LPA for utilities, etc. The LPA is responsible for all maintenance on service roads to include maintenance seals, signing, striping, snow plowing, and snow removal. Limits of the LPA's responsibilities are shown on the attached map.
2. The LPA will maintain the striping for parking and any striping located on side streets.



PART IV

General:

1. Appendices A and E of the Title VI Assurances, attached, are hereby incorporated into and made a part of this agreement.
2. The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.
3. Entities that receive federal funds through NDDOT may be required to obtain an audit in accordance with 2 C.F.R. Part 200, Subpart F. A copy of such audit shall be submitted to NDDOT. Entities that spend less than \$750,000 of federal funds from all sources may be subject to reviews by NDDOT at its discretion. Additionally, all entities receiving federal funds through NDDOT shall certify whether a Single Audit has been completed as part of the annual Federal award process. These requirements are applicable to counties, cities, state agencies, Indian tribes, colleges, hospitals, and non profit businesses.
4. The LPA is advised that its signature on this contract or agreement certifies that any person associated therewith is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency within the past three years; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction on any matter involving fraud or official misconduct within the past three years.
5. NDDOT is not responsible for any Property Taxes or Special Assessments on property which has been acquired as part of the roadway reconstruction project. The LPA is responsible to make arrangements for deferral or payment of such Taxes and/or Special Assessments.



Executed by the LPA of _____, at _____,
North Dakota, the last date below signed.

APPROVED:

LPA of _____

LPA ATTORNEY (TYPE OR PRINT)

NAME (TYPE OR PRINT)

SIGNATURE

SIGNATURE

DATE

*

TITLE

DATE

ATTEST:

AUDITOR (TYPE OR PRINT)

SIGNATURE

DATE

Executed for the North Dakota Department of Transportation by the Director at Bismarck, North Dakota,
the last date below signed.

APPROVED as to substance by:

NORTH DAKOTA DEPARTMENT OF
TRANSPORTATION

DIVISION DIRECTOR(TYPE OR PRINT)

DIRECTOR (TYPE OR PRINT)

SIGNATURE

SIGNATURE

DATE

DATE

*Mayor or President of Commission

CLA 17058 (Div. 38)
L.D. Approved 10-17, Rev. 08-18; C.M. 03/07/2019



CERTIFICATION OF LOCAL MATCH

It is hereby certified that the LPA of _____ will provide non-federal funds, whose source is identified below, as match for the amount the LPA is obligated to pay under the terms of the attached agreement with the North Dakota Department of Transportation. The certified amount does not duplicate any federal claims for reimbursement, nor are the funds used to match other federal funds, unless expressly allowed by federal regulation.

Non-Federal Match Funds provided by LPA. Please designate the source(s) of funds in the LPA budget that will be used to match the federal funds obligated for this project through the North Dakota Department of Transportation.

Source:

Executed at _____, North Dakota, the last date below signed.

ATTEST:

APPROVED:

AUDITOR (TYPE OR PRINT)

LPA of _____

SIGNATURE

NAME (TYPE OR PRINT)

DATE

SIGNATURE

*

TITLE

DATE

*Mayor or President of Commission

CLA 17058 (Div. 38)
L.D. Approved 02-18; Rev. 08-18; C.M. 03/07/2019



DESIGN DATA			
Traffic	Average Daily		
Current 2015	Pass: 29785	Trucks: 431	Total: 30216
Preventive Maintenance			

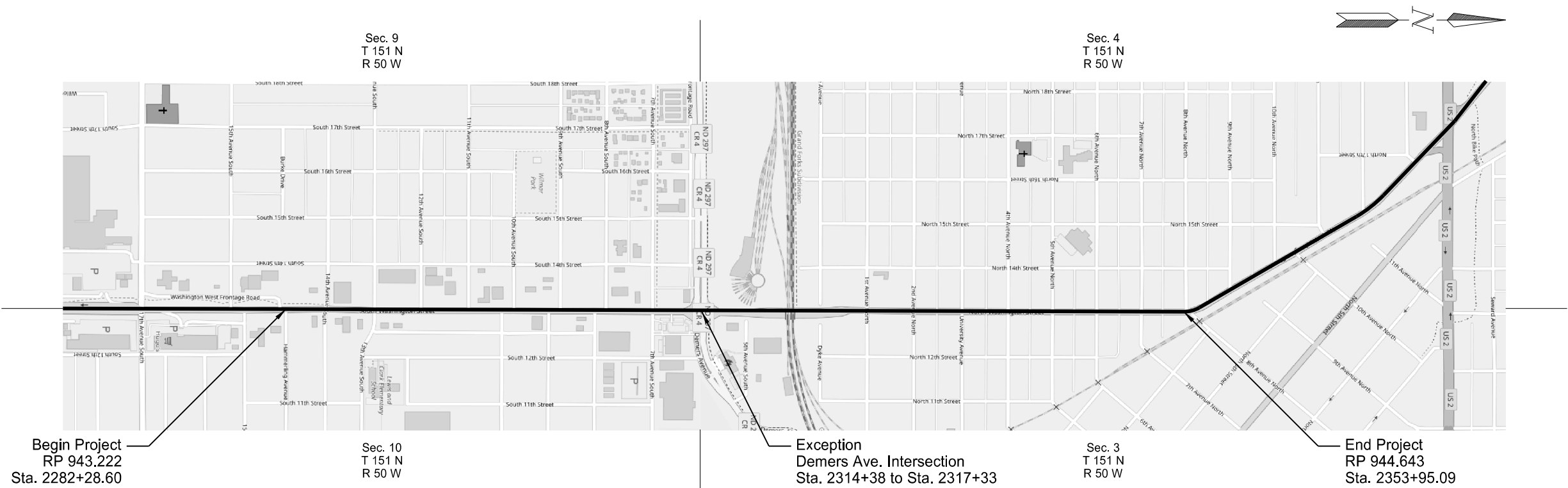
STATE	PROJECT NO.	PCN	SECTION NO.	SHEET NO.
ND	NHU-6-081(100)943	22210	1	1

JOB #
NORTH DAKOTA
DEPARTMENT OF TRANSPORTATION

NHU-6-081(100)943
Grand Forks County
Hammerling to 8th Avenue North
Mill and HMA

GOVERNING SPECIFICATIONS:
2014 Standard Specifications adopted by the North Dakota Department of Transportation and the Supplemental Specifications effective on the date the project is advertised.

PROJECT NUMBER \ DESCRIPTION	NET MILES	GROSS MILES
NHU-6-081(100)943	1.301	1.357



Begin Project
RP 943.222
Sta. 2282+28.60

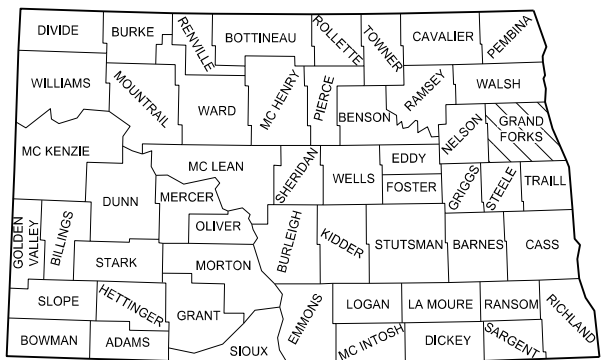
Sec. 10
T 151 N
R 50 W

Exception
Demers Ave. Intersection
Sta. 2314+38 to Sta. 2317+33

Sec. 3
T 151 N
R 50 W

End Project
RP 944.643
Sta. 2353+95.09

DESIGNERS



STATE COUNTY MAP

APPROVED DATE _____
GRAND FORKS DISTRICT
ND DEPARTMENT OF TRANSPORTATION

I hereby certify that the attached plans were prepared by me or under my direct supervision and that I am a duly registered professional engineer under the laws of the state of ND.
APPROVED DATE _____
NDDOT GRAND FORKS DISTRICT

This document
is preliminary
and not for
construction or
implementation
purposes.



Street & Infrastructure

Budget Year 2019

G/L Account	Account Description	2016 Amended Budget	2016 Actual Amount	2017 Amended Budget	2017 Actual Amount	2018 Adopted Budget	2019 Adopted Budget
Fund 4815 - Street/Infrastructure Fund							
	Adopted Budget					1.0000	300,000.00
	Minor Street Repair						300,000.00
	Adopted Budget					1.0000	2,385,000.00
	Street Mtce Program (3% Increase per Year)						2,385,000.00
	Adopted Budget					1.0000	80,000.00
	Intelligent Transportation System						80,000.00
	Adopted Budget					1.0000	60,000.00
	LED Street Light Replacement Program						60,000.00
	Adopted Budget					1.0000	20,000.00
	Diamond Grade Reflectivity of Signs						20,000.00
	Adopted Budget					1.0000	200,000.00
	N Washington CPR & Grind (8th Ave N to Gateway Dr)						200,000.00
	Adopted Budget					1.0000	11,000.00
	Advanced Ped Walk 42nd St. and Columbia Rd Corridors						11,000.00
	Adopted Budget					1.0000	50,000.00
	US Hwy 2 & N 55th St Traffic Signal						50,000.00
	Adopted Budget					1.0000	255.00
	Red Light Confirmation Indicators on Gateway						255.00
	Adopted Budget					1.0000	744,000.00
	N 62nd (10th to Gateway) (SIG Econ Devel)						744,000.00
	Adopted Budget					1.0000	100,000.00
	ADA/MPO/Other Consulting Services						100,000.00
	Adopted Budget					1.0000	369,000.00
	32nd Ave S Turn Lanes (Corridor Improvements)						369,000.00
	Adopted Budget					1.0000	20,000.00
	Washington Street Underpass Evaluation						20,000.00
	Adopted Budget					1.0000	47,600.00
	Washington St (Hammerling to 8th Ave N) ADA Ramps						47,600.00
	Adopted Budget					1.0000	150,000.00
	Point Bridge Rehabilitation (Portion from Bridge Reserve)						150,000.00
	Adopted Budget					1.0000	381,600.00
	S 42nd St (34th to 40th Ave S; Rural Section)						381,600.00
	Adopted Budget					1.0000	616,000.00
	Cherry St (60th to 62nd Ave S)						616,000.00
	Adopted Budget					1.0000	111,000.00
	N 5th St (Gateway to Demers-Mill & Overlay)						111,000.00
	Adopted Budget					1.0000	715,001.00
	Business US 2 Reconstruction (Demers to Red River)						715,001.00
	Adopted Budget					1.0000	60,000.00
	Demers Ave Traffic Signal						60,000.00
	Adopted Budget					1.0000	100,000.00
	Large Project Update/Continuation						100,000.00
	Adopted Budget					1.0000	80,000.00
	Bikepath Maintenance						80,000.00
	Adopted Budget					1.0000	232,408.00
	Bikepath Development (New)						232,408.00
	Adopted Budget					1.0000	50,000.00
	Quiet Zone Redundancy						50,000.00
	Adopted Budget					1.0000	100,000.00
	Maintenance of Street Lights						100,000.00
	Adopted Budget					1.0000	100,000.00
	Minor Intersection Improvement						100,000.00
	Adopted Budget					1.0000	80,000.00
	Transportation Studies						80,000.00
	Adopted Budget					1.0000	60,000.00
	Pavement Management						60,000.00
	Adopted Budget					1.0000	445,600.00
	S 34th St (45th to 47th Ave S)						445,600.00
	Adopted Budget					1.0000	50,000.00
	Consulting Assistance for Specifications Revisions						50,000.00
	Adopted Budget					1.0000	728,800.00
	N 36th St (20th to 24th Ave N) (SIG Econ Devel)						728,800.00