

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
AUGUST 16, 2011 AGENDA**

Subject:	Type:	Submitted By:
NEBRASKA DEPARTMENT OF ROADS SUPPLEMENTAL AGREEMENT NO. 5 LA VISTA LINK – KEYSTONE TRAIL	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the Mayor to execute a Program Agreement Supplement No. 5 with the Nebraska Department of Roads (NDOR) for the La Vista Link – Keystone Trail project; NDOR Project No. ENH-77(50), Control No. 22251. This supplement allows for the City to be reimbursed for 80 percent of the costs incurred by the City's Responsible Charge Person during the construction phase of this project up to a maximum of \$4,570.

FISCAL IMPACT

The FY10/11 Capital Improvement Program contains funding for this project.

RECOMMENDATION

Approval

BACKGROUND

The City entered into the original Program Agreement on April 3, 2007, Supplemental Agreement No. 1 on July 25, 2008, Supplemental Agreement No. 2 on January 5, 2009, Supplemental Agreement No. 3 on December 16, 2009, and Supplemental Agreement No. 4 on March 15, 2011 for the construction of Project No. ENH-77(50).

RESOLUTION NO _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 5 WITH THE NEBRASKA DEPARTMENT OF ROADS (NDOR) FOR THE LA VISTA LINK – KEYSTONE TRAIL PROJECT.

WHEREAS, the City Council of the City of La Vista and Nebraska Department of Roads (NDOR) have previously executed a Project program Agreement for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds; and

WHEREAS, the FY 10/11 Capital Improvement Program contains funding for this project; and

WHEREAS, the City of La Vista understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

WHEREAS, the City of La Vista and NDOR wish to enter into a Supplemental Project Program Agreement No. 5 setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that the Mayor and City Clerk are hereby authorized to sign the attached Supplemental Project Program Agreement No. ENH-77(50), Supplement Number 5 between the City of La Vista and the NDOR.

PASSED AND APPROVED THIS 16TH DAY OF AUGUST, 2011

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

SUPPLEMENTAL AGREEMENT NO. 5

CITY OF LA VISTA
STATE OF NEBRASKA DEPARTMENT OF ROADS
PROJECT NO. ENH-77(50)
CONTROL NO. 22251
LA VISTA LINK – KEYSTONE TRAIL

THIS SUPPLEMENTAL AGREEMENT, made and entered into by and between the City of La Vista, Nebraska, hereinafter referred to as the Local Public Agency or "LPA", and the State of Nebraska, Department of Roads, hereinafter referred to as the "State",

WITNESSETH:

WHEREAS, the LPA and the State have previously entered into Program Agreement YL0724, executed by the LPA on April 3, 2007 and executed by the State on April 23, 2007 hereinafter referred to as the "Original Agreement", and Supplemental Agreement No. 1, executed by the LPA on July 25, 2008 and by the State on August 4, 2008, and Supplemental Agreement No. 2, executed by the LPA on January 5, 2009 and executed by the State on January 9, 2009, and Supplemental Agreement No. 3 executed by the LPA on December 16, 2009 and executed by the State on January 28, 2010, and Supplemental Agreement No. 4, executed by the LPA on March 15, 2011 and executed by the State on March 21, 2011, and

WHEREAS, it now becomes necessary to provide for the reimbursement of RC costs during the Construction Engineering phase of the project, and

WHEREAS, it is the desire of the LPA that this project be constructed under the designation of Project No. ENH-77(50), as evidenced by the Resolution of the LPA dated the ____ day of _____, 2011, attached and identified as Exhibit "A" and made a part of this agreement, and

NOW THEREFORE, in consideration of these facts, the LPA and State hereto agree as follows:

SECTION 1. The RC will perform work during the Construction Engineering phase of this project as stipulated in the RC Scope of Services, which is attached as Exhibit "B" and hereby made a part of this supplemental agreement.

SECTION 2. For performance of the services described in this agreement, the LPA will be reimbursed up to \$4,570 (80% of \$5,713) for eligible, actual costs incurred by the RC during the Construction Engineering phase of this project.

SECTION 3. The LPA and the State agree that, except for the provisions of Sections 1 and 2 above, all terms and provisions of the Original Agreement, XL0727, on Project No. ENH-77(50) executed by the LPA on April 3, 2007 and executed by the State on April 23, 2007 and

Supplemental Agreement No. 1, executed by the LPA on July 25, 2008 and by the State on August 4, 2008, and Supplemental Agreement No. 2, executed by the LPA on January 5, 2009 and executed by the State on January 9, 2009, and Supplemental Agreement No. 3 executed by the LPA on December 16, 2009 and executed by the State on January 28, 2010, and Supplemental Agreement No. 4, executed by the LPA on March 15, 2011 and executed by the State on March 21, 2011 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the LPA this _____ day of _____, 2011.

WITNESS:
Pamela A. Buethe

CITY OF LA VISTA
Douglas Kindig

LPA Clerk

Mayor

EXECUTED by the State this _____ day of _____, 2011.

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Jim Wilkinson, P.E.

Local Projects Engineer

CITY OF LA VISTA, NEBRASKA
LA VISTA LINK-KEYSTONE TRAIL

MAPA ENH-77(50)

CN 22251

RC SCOPE OF WORK

Responsible Charge (RC):

- Project Management
- Meetings which will include a Pre-Construction Meeting, weekly progress meetings, and a final acceptance of work meeting
- Oversight of construction staking
- Site Manager entries and reviews
- Traffic control plan coordination with contractor, media and emergency responders
- Review of plans, specs, and shop drawings
- Final inspection of the work in the company of the CE consultant and contractor
- Project closeout documentation

SOURCE: RC												
1	Project Management											30
2	Project Management											4
3	Traffic Control Plan											4
4	Overview of Construction Staging											8
5	Review of Plans, Specs & Shop Drawings											4
6	Construction Inspection											0
7	Site Manager Entries											0
8	Record Drawings											0
9	Final Inspection											0
10	Final Inspection											0
11	Final Inspection											0
Travel time												0
Total												82

Percent of CE Inspection Time for the RC 1 performing inspection												
Working Hours												
Weeks 9												
Months 2												
Project Management: 2 hours per day												
Traffic Control Plan: 2 hours per day												
Construction Survey/Setup: 4 days at 2 hours per day												
Shop Drawing Review: 9 weeks at 1 hour per week												
Record Drawings: 9 weeks at 1 hour per week												
Final Inspection: Participate in walk-through of project and discussion of punch list items												

Construction Inspection

Conduct weekly site interviews

Verify the effectiveness of the work in accordance with plans and specifications

Monitor construction activities for compliance with NEPA, permitting (Wetlands, ADA, Flood Plain, NPDES, SWPPP, etc.)

Verify the suitability and acceptance of the material incorporated in the work

Perform material sampling and testing in accordance with the NDCR Materials Sampling Guide

Measure and calculate quantities of pay items

Review change order or time extension request and forward to RC

Communicate and coordinate plan revisions and change orders with the Designer

The work is completed in accordance with the Materials Department of Phase Construction Manual

Prepare a field checked report (R)

Review contract plan and schedule prepared by the Contractor for appropriateness

DIRECT LABOR COST SUMMARY												
Category												
PR - Principal												
PE - Professional Engineer												
EL - Engineer Intern												
CD - Technician												
Drafter												
Inspection 1 - Inspector 1 (ACORDON Certified Materials Testing)												
Inspection 2 - Inspector 2 (ACORDON Certified Materials Testing)												
Survey Crew Chief												
Survey Crew												
AC Representative Charge												
TOTAL DIRECT LABOR												5,597.48

OVERHEAD												
TOTAL LABOR AND OVERHEAD												5,597.48

DIRECT PROJECT EXPENSES												
Category												
Message												
Message Survey Vehicle												
Construction Staking Materials												
Equipment Rental												
Lodging & Meals												
Printing 24 x 36 Sheets (Reproducible Paper)												
TOTAL DIRECT PROJECT EXPENSES												\$176.00

SUBCONSULTANTS												
Category												
PR - Principal												
PE - Professional Engineer												
EL - Engineer Intern												
CD - Technician												
Drafter												
Inspection 1 - Inspector 1 (ACORDON Certified Materials Testing)												
Inspection 2 - Inspector 2 (ACORDON Certified Materials Testing)												
Survey Crew Chief												
Survey Crew												
AC Representative Charge												
TOTAL SUBCONSULTANTS												\$5,713.48

TOTAL LABOR AND OVERHEAD												
FIXED FEE (RM)												
DIRECT PROJECT EXPENSES												\$176.00
SUBCONSULTANTS												\$5,713.48
TOTAL FEE												\$5,889.48
Construction Cost												\$290,360.32
1.57%												1.57%