



## *Agenda Commentary*

**Item Title/ Subject:** Chapman Road... ODOT Agreement

**Staff Source:** City Manager, Steve Hewitt

**Date:**

**Background/Subject Information:**

ODOT Bids (1 Bid: Tom Hudson Paving) came in 18% higher than ODOT Estimate, and ODOT officials stated some factors were unknown by them or our Engineer. Base Bid \$1,991,350 + 6% ODOT Inspection costs \$117,395. Original Budget was \$1.5M with the City paying \$448,725 (included 6% Inspection).

Remaining Gap is \$532,734. ODOT / Commission agreed to pay \$282,734 if the City of Clinton would fund \$250,000. This for Base Bid only (Railroad to Neptune).

**Recommendation:**

ODOT prefers not to re-bid. Ready to begin project.

Staff recommends Economic Development Fund cover the additional costs \$250,000.

**Price/Cost: \$250,000**

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

## INVOICE

*Make check PAYABLE and MAIL TO:* Oklahoma Department of Transportation  
 Comptroller Division  
 200 N. E. 21<sup>st</sup> Street  
 Oklahoma City, OK 73105-3204

To: City of Clinton  
415 Gary Boulevard - PO Box 1177  
Clinton, OK 736010-1177

Division Invoice No. 19669(04) -AWARD  
 Division Name: Local Government  
 Date: 10/1/13

Description – Explanation of Charge	Quantity	Price Each	Total
<b>Due Date:</b> <u>Upon Receipt</u>			
STP-120B(070)TC Chapman Rd Construction From 28 <sup>th</sup> Street to Neptune Road			
Bid Amount plus Est 6% Inspection Cost - Base Bid			<b>\$2,108,746</b>
<u>Less Federal Funds (TCSP) (Capped)</u>			<b>-\$377,287</b>
<u>Less Federal Funds (STP) (Capped)</u>			<b>-\$1,032,734</b>
<u>Less City funds on deposit</u>			<b>-\$448,725</b>
 <u>Additional City funds now due</u>			 <b><u>\$250,000</u></b>
<b>Bid of Tom Hudson Paving, Inc.</b>			
<b>Invoice Total</b>			<b>\$250,000</b>

**Accounting Use Only**

Distribution of Copies:  
 Purchaser  
 Remit with Payment  
 Division Project File  
 Division Accounting  
 Division Acctg-Invoice File  
 Comptroller

<b>CLINTON CHAPMAN RD - BASE BID</b>	<b>TOM HUDSON PAVING</b>	<b>6% Estimated Inspection</b>	<b>Total</b>
Roadway	\$1,865,882	\$111,953	<b>\$1,977,835</b>
TRAFFIC	\$21,248	\$1,275	<b>\$22,523</b>
Staking	\$34,762	\$0	<b>\$34,762</b>
Construction	\$69,458	\$4,167	<b>\$73,625</b>
		\$0	<b>\$0</b>
<b>TOTALS</b>	<b>\$1,991,350</b>	<b>\$117,395</b>	<b>\$2,108,746</b>

<b>CUMULATIVE FUNDING BREAKOUT - BASE BID</b>		
TCSF FUNDS	\$377,287	CAPPED
FORMULA STP	\$750,000	CAPPED
ADDITIONAL FUNDS REQUIRED	\$981,459	
CITY FUNDS ON DEPOSIT	\$448,725	
ADDITIONAL CITY FUNDS NEEDED	\$250,000	
ADDITIONAL FEDERAL FUNDS	\$282,734	CAPPED
<b>TOTAL</b>	<b>\$2,108,746</b>	

**STATE OF OKLAHOMA  
DEPARTMENT OF TRANSPORTATION  
SUPPLEMENTAL AND MODIFICATION AGREEMENT NO. 1**

**PROJECT MAINTENANCE, FINANCING, AND RIGHT-OF-WAY AGREEMENT  
BETWEEN  
THE OKLAHOMA DEPARTMENT OF TRANSPORTATION  
AND  
THE CITY OF CLINTON**

**CHAPMAN AVENUE: FROM 28TH STREET, EXTEND EAST TO NEPTUNE ROAD**

**Federal-Aid Project STP -120B (070) TC  
State Job Number 19669(04)**

This Supplemental and Modification Agreement, made the day and year last written below, by and between the City of Clinton, hereinafter referred to as the CITY, and the Department of Transportation of the State of Oklahoma, hereinafter referred to as the Department, said parties being the same who executed the original **PROJECT MAINTENANCE, FINANCING, AND RIGHT-OF-WAY AGREEMENT**, for the following intents and purposes and subject to the following terms and conditions, to wit:

**WHEREAS**, It is deemed necessary by the Department and CITY to revise the terms of the original **PROJECT MAINTENANCE, FINANCING, AND RIGHT-OF-WAY AGREEMENT**; and,

**NOW, THEREFORE**: the Department and CITY, in consideration of the mutual covenants and stipulations as set forth herein, do mutually promise and agree as follows:

A. The following section is hereby ENTIRELY replaced from the original CITY agreement; and reads as follows:

***Section 15:***

*Based on an estimated construction and contract administration cost of Two-Million-One-Hundred-Eight-Thousand-Seven-Hundred-Forty-Six Dollars (\$2,108,746) for the base bid. the Department agrees that available Federal Transportation, Community, and System Preservation Program funds (TCSP) in an amount not to exceed **\$377,287**, and Federal-aid Surface Transportation Program funds (STP) in an amount not to exceed **\$1,032,734** shall be requested to provide a maximum of 80% of the participating project costs. Total Federal funds shall not exceed One-Million-Four-Hundred-Ten-Thousand-Twenty-One Dollars (\$1,410,021).*

*The City shall be responsible for the balance of the project costs, estimated at Six-Hundred-Ninety-Eight-Thousand-Seven-Hundred-Twenty-Five Dollars (\$698,725).*

**The City understands and agrees that the federal funds associated with this project are limited to the amounts indicated and that any additional project costs, including, but not limited to change orders, modifications, overruns or adjustments are to be funded with 100% City funds.**

B. That the original Agreement is hereby modified as above described, said agreement in all other respects shall remain unchanged and in full force and effect.

**IN WITNESS WHEREOF**, the Director of the Department of Transportation or his designee, pursuant to authority vested in him by the Transportation Commission, has hereunto subscribed his name as Director of the Department of Transportation, and the CITY has executed same pursuant to authority prescribed by law.

The City, on this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_, and the Department on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_.

The City of CLINTON,  
an Oklahoma Municipal Corporation

\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to Form and Legality:

\_\_\_\_\_  
City Attorney

STATE OF OKLAHOMA  
DEPARTMENT OF TRANSPORTATION

Recommended for Approval:

\_\_\_\_\_  
Local Government Division Manager

\_\_\_\_\_  
Director of Capital Programs

APPROVED AS TO FORM  
AND LEGALITY

APPROVED

\_\_\_\_\_  
General Counsel

\_\_\_\_\_  
Deputy Director

**Steve Hewitt**

**From:** MScott@ODOT.ORG  
**Sent:** Wednesday, October 02, 2013 2:27 PM  
**To:** Steve Hewitt  
**Cc:** Brent\_Almquist/ODOT@fd9ns01.okladot.state.ok.us; Shannon\_Sheffert/ODOT@fd9ns01.okladot.state.ok.us; John\_Bowman/ODOT@fd9ns01.okladot.state.ok.us; Jesse\_Totimeh/ODOT@fd9ns01.okladot.state.ok.us; Chad\_Meisenburg/ODOT@fd9ns01.okladot.state.ok.us; Brian\_Schmitt/ODOT@fd9ns01.okladot.state.ok.us  
**Subject:** Chapman Road Funding - Clinton  
**Attachments:** Chapman Rd Funding.pdf

Mr. Hewitt:

As we discussed, the Department has agreed to participate with you on a portion of the additional funding required to finance the base bid. Additional federal funds in the amount of \$282,734 will be made available for the base bid subject to the City of Clinton providing an additional \$250,000. With your confirmation to these terms, this additional funding from the City and ODOT will permit the award of the base bid to Tom Hudson paving at the upcoming Transportation Commission meeting on Monday, October 7th.

The updated funding breakout is shown below:

CUMULATIVE FUNDING BREAKOUT - BASE BID		
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**If the City is agreeable to these terms we request that you provide us with a letter (via email) recommending award of the base bid and a commitment to the terms described above prior to the October 7th Transportation Commission meeting.**

Attached is a Supplemental and Modification Agreement we have prepared for approval by the City of Clinton, along with an invoice for the additional \$250,000 in City funds. The agreement and additional funding will need to be in place prior to a Work Order being issued.

If you need additional information please let me know.

Thanks.

*(See attached file: Chapman Rd Funding.pdf)*

**Mark Scott**

Assistant Division Manager

Local Government Division

**Oklahoma Department of Transportation**

200 NE 21st | Oklahoma City, OK | 73105-3204

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Direct Line (405) 521-2737 | Cell (405) 627-6678