



MEMORANDUM

To: Finance Committee

From: Rich Olson, City Manager
Paul Fredette, Director of Public Works

Date: February 5, 2013

Re: Consideration – Supplemental Agreement/Sidewalk on US 17 South

BACKGROUND:

The City had secured \$85,000 from an Enhancement Funds Grant in accordance with Section 1201 of the Transportation Equity Act of the 21st Century (TEA-21) for the construction of a sidewalk along the west side of Hughes Blvd. (Route 17 South). Engineering plans and specifications were completed and approved by NCDOT to build the sidewalk between Providence Road and the entrance to the Farm Fresh shopping area near Applebee's per the terms of the Municipal Agreement.

ANALYSIS:

The project was delayed last year when project construction bids were opened; first because the initial low bidder was disqualified by NCDOT, then bid openings were delayed by NCDOT waiting to resolve issues regarding the Federal Wage Rate determinations. When the City finally had a second bid opening, all bids were rejected because the low bid on the project was more than \$100,000 higher than the project was originally estimated. Since the rejection of the construction bids, the plans and specifications for the project were revised, based on feedback from the contractors as to why the bids were so high. The revised construction documents have been submitted to NCDOT; and we are now waiting for their approval to re-bid the project. In the interim, the Municipal Agreement securing the grant funds expired; however, NCDOT has provided a Supplemental Agreement that extends the time for completion until December 31, 2013. The estimated cost of the project is \$120,000. The State's maximum participation is \$85,000. The balance of the project cost will be taken from the Powell Bill Fund.

STAFF RECOMMENDATIONS:

By motion, recommend that the City Council authorize the City Manager to enter into the Supplemental Agreement (attached) with NCDOT for the construction of a sidewalk along the west side of Hughes Blvd. (Route 17 South) from Providence Road to the Farm Fresh shopping area entrance near Applebee's.

RCO/vdw

NORTH CAROLINA
PASQUOTANK COUNTY

SUPPLEMENTAL AGREEMENT

DATE: 1/24/2013

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

WBS ELEMENT: 3601.3.05

CITY OF ELIZABETH CITY

CFDA #: 20.205

TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION] \$0

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the City of Elizabeth City, hereinafter referred to as the "Municipality."

WITNESSETH:

WHEREAS, the Department and City of Elizabeth City, on 6/23/2010, entered into a certain Locally Administered Project Agreement for the original scope: the Municipality constructing a five foot wide sidewalk along US 17 (Hughs Blvd.) from Halstead Blvd. to the Farm Fresh Shopping Center., programmed under WBS Element 3601.3.05; and,

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

RESPONSIBILITIES

TIMEFRAME

The Municipality shall complete the construction of the Project by December 31, 2013.

ADDITIONAL PROVISIONS

TITLE VI

The Municipality shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs and activities of any recipient of Federal assistance.

Except as hereinabove provided, the Agreement heretofore executed by the North Carolina Department of Transportation and City of Elizabeth City on 6/23/2010, is ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the North Carolina Department of Transportation and the Municipality by authority duly given.

ATTEST: CITY OF ELIZABETH CITY
BY: _____ BY: _____
TITLE: _____ TITLE: _____
DATE: _____ DATE: _____

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by _____ (Governing Board) of the City of Elizabeth City as attested to by the signature of _____, Clerk of the _____ (Governing Board) on _____ (Date)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

City of Elizabeth City

DEPARTMENT OF TRANSPORTATION

BY: _____

(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)