

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 12  
Filed: 02-06-18

Sponsored by: Ferguson

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL 2018- 048

SPECIAL ORDINANCE \_\_\_\_\_

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a Cost Share  
2 Program, Second Supplemental Agreement, with the Missouri  
3 Highways and Transportation Commission, for the purpose of  
4 coordinating participation in the cost of pavement repairs and  
5 rehabilitation on various sections of Kansas Expressway from  
6 Interstate 44 to Mount Vernon Street; and to approve a budget  
7 adjustment to amend the budget of the Department of Public Works  
8 for Fiscal Year 2017-2018, in the amount of \$136,418, to appropriate  
9 federal Surface Transportation Block Grant Urban funds to pay a  
10 portion of the City's share of the project costs.  
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13 WHEREAS, the City and the Missouri Highways and Transportation Commission  
14 ("MHTC") previously entered an Agreement, by passage of Special Ordinance 26358,  
15 for the purpose of coordinating the construction costs for pavement repairs and  
16 rehabilitation of various sections of Kansas Expressway; and  
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18 WHEREAS, subsequently the City and MHTC entered into a supplemental  
19 agreement, by passage of Special Ordinance 26568, for the purpose of ensuring that  
20 the City was not responsible for any costs associated with any railroad crossing  
21 equipment upgrades; and  
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23 WHEREAS, this Second Supplemental Agreement will allow the MHTC to  
24 program the City's federal Surface Transportation Block Grant Urban funds in an  
25 amount up to 80 percent of the City's share of costs; and  
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27 WHEREAS, an amendment to the budget provided for the Department of Public  
28 Works for Fiscal Year 2017-2018 has been approved and recommended by the City  
29 Manager and the Director of Public Works, in the amount of \$136,418 to appropriate the  
30 federal Surface Transportation Block Grant Urban funds.  
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32 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
33 SPRINGFIELD, MISSOURI, as follows, that:

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Section 1 – The City Manager, or his designee, is hereby authorized to enter into a Cost Share Program, Second Supplemental Agreement, with MHTC, said agreement to be substantially in the same form and content as that document attached hereto and incorporated herein by this reference as “Exhibit 1.”

Section 2 – The budget of the Department of Public Works for Fiscal year 2017-2018 is hereby amended in the accounts and in the amounts as shown on Budget Adjustment No. 0026, a copy of which is attached hereto and incorporated herein by reference as “Exhibit 2.”

Section 3 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_, City Clerk

Filed as Ordinance: \_\_\_\_\_

Approved as to form: Richard T. Wicker, Assistant City Attorney

Approved for Council action: Greg Burt, City Manager

## EXPLANATION TO COUNCIL BILL 2018-048

FILED: 02-06-18

ORIGINATING DEPARTMENT: Public Works

PURPOSE: To authorize the City Manager, or his designee, to enter into a Cost Share Program, Second Supplemental Agreement, with the Missouri Highways and Transportation Commission, for the purpose of coordinating participation in the cost of pavement repairs and rehabilitation on various sections of Kansas Expressway from Interstate 44 to Mount Vernon Street; and to approve a budget adjustment to amend the budget of the Department of Public Works for Fiscal Year 2017-2018, in the amount of \$136,418, to appropriate federal Surface Transportation Block Grant Urban funds to pay a portion of the City's share of the project costs.

BACKGROUND INFORMATION: The Missouri Highways and Transportation Commission ("MHTC") and the City previously entered an agreement (Special Ordinance 26358) for the purpose of coordinating the construction costs for pavement repairs and rehabilitation of various sections of Kansas Expressway. Subsequently, MHTC and the City entered into a supplemental agreement (Special Ordinance 26568) for the purpose of ensuring that the City was not responsible for any of the costs for the railroad crossing equipment upgrade, and did not change the amount of funds used for the City's portion of pavement repairs and rehabilitation. This Second Supplemental Agreement will allow the MHTC to program the City's federal Surface Transportation Block Grant Urban ("STBG-Urban") grant funds in an amount up to 80 percent of the City's share of costs, including cost overruns. The Second Supplemental Agreement references the original project estimates, the actual total cost, and how the City's share of cost overruns and underruns will be funded.

The City's share of the original estimated project cost was \$999,396. This was funded by the 1/8-Cent Transportation Sales Tax (\$199,879) and STBG-Urban grant funds allocated to the City by the Ozarks Transportation Organization ("OTO") (\$799,517). The City's share of the actual total project cost is \$1,169,918.93, an increase of \$170,522.93 over the original agreement. This additional cost will be funded by the 1/8-Cent Transportation Sales Tax (\$34,104.93), which is already budgeted, and STBG-Urban funds allocated to the City by the OTO (\$136,418) that would be approved by this Council bill.

This Ordinance supports the following Field Guide 2030 goal(s): Chapter 12 Transportation; Major Goal 2, Operations and Maintenance - The City of Springfield should continue to maintain streets, sidewalks, trails, and the airport, using the most effective strategies to maximize the efficient operation of the existing systems, keeping in mind safety, accessibility, sustainability, and collaboration; Objective 2a, Keep streets and sidewalks and trails in good condition with an emphasis on arterial streets; Objective 2c, Crash rates should be reduced on street system projects; Objective 2d, The City of Springfield should coordinate operations and maintenance efforts with

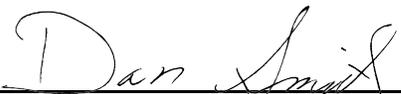
Greene County, the State of Missouri, rail, and transit to ensure a seamless connection to the regional system.

REMARKS: Public Works recommends approval of this Council bill and budget adjustment.

Submitted by:

  
\_\_\_\_\_  
Kirk Juranas, Assistant Director of Public Works

Recommended by:

  
\_\_\_\_\_  
Dan Smith, Director of Public Works

Approved by:

  
\_\_\_\_\_  
Greg Burris, City Manager

# Exhibit 1

CCO Form: FS27  
Approved: 05/02 (BDG)  
Revised: 03/17 (MWH)  
Modified: 08/17 (MWH)

Greene County  
City of Springfield  
Project J8P3042  
2017-08-38368

## MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION COST SHARE PROGRAM SECOND SUPPLEMENTAL AGREEMENT

THIS SECOND SUPPLEMENTAL AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Springfield (hereinafter, "City").

WITNESSETH:

WHEREAS, on March 7, 2014 the Commission and the City previously entered into a Cost Share Program Agreement as to public improvements designated as project J8P3042, for the construction of pavement repairs and rehabilitation on various sections of Kansas Expressway from Interstate 44 to Mount Vernon Street in Springfield, (hereinafter, "Original Agreement"); and

WHEREAS, on June 19, 2015 the Commission and the City previously entered into a Cost Share Program First Supplemental Agreement, revising the Original Agreement as provided therein, (hereinafter, "First Supplemental Agreement"); and

WHEREAS, the Commission and the City now desire to revise the Original Agreement and the First Supplemental Agreement as provided in this Second Supplemental Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

(1) REVISION: Paragraph (9) of the First Supplemental Agreement is hereby removed and replaced with the following:

(9) FINANCIAL RESPONSIBILITIES: With regard to work under this Agreement, the City agrees as follows:

(A) TOTAL PROJECT COST: The currently estimated cost of the project is two million four hundred fifty thousand two hundred twelve dollars (\$2,450,212). The total project cost eligible for cost sharing is one million nine hundred ninety-eight thousand seven hundred ninety-two dollars (\$1,998,792) and will include preliminary engineering, roadway construction, and inspection related to pavement rehabilitation on Route 13 (Kansas Expressway). The remainder of the total project

cost in the amount of four hundred fifty-one thousand four hundred twenty dollars (\$451,420) includes construction of railroad features and is not eligible for cost sharing.

(B) CITY: The City will be responsible for fifty percent (50%) of the total project cost eligible for cost sharing. The City agrees that the Commission may program eighty percent (80%) of the City's responsibilities from the Surface Transportation Block Grant (STBG) program funding allocated by the Ozarks Transportation Organization. The City will pay the Commission for the remainder of its responsibilities, twenty percent (20%) with local funds. The original estimate of the City's responsibilities was nine hundred ninety-nine thousand, three hundred ninety-six dollars (\$999,396.00), of which the Commission programmed seven hundred ninety-nine thousand, five hundred seventeen dollars (\$799,517.00) from the STBG program and the City remitted a check payable to the Director of Revenue – Credit State Road Fund in the amount of one hundred ninety-nine thousand, eight hundred seventy nine dollars (\$199,879) on March 27, 2014.

(C) COMMISSION: The current estimate of the Commission's share of total project cost is one million four hundred fifty thousand eight hundred sixteen dollars (\$1,450,816). Of this amount, the Commission shall provide six hundred sixty-six thousand, two hundred fifty-seven dollars (\$666,257) from the Commission's Cost Share program, available in State Fiscal Year 2014, two hundred ninety-eight thousand one hundred thirty-seven thousand dollars (\$298,137) from the Commission's Southwest District distributed funds, engineering services by its personnel estimated to total two hundred sixty thousand, seven hundred twelve dollars (\$260,712), and two hundred twenty five thousand seven hundred ten dollars (\$225,710) of the Commission's Multimodal – Railroad Division funds.

(D) OVERRUNS AND UNDERRUNS: The City and Commission will share cost overrun expenses equally and cost under run savings equally for total project costs eligible for cost sharing. For its share of cost overrun expenses, the City agrees that the Commission may program up to 80% STBG funds allocated to the City by the Ozarks Transportation Organization, with the remainder being City local funds. The original estimate of the City's responsibility was nine hundred ninety-nine thousand, three hundred ninety-six dollars (\$999,396.00) as noted in paragraph 9(B) of this agreement. Based on final actual project costs, the City's actual responsibility is one million, one hundred sixty-nine thousand, nine hundred eighteen dollars and ninety-three cents (\$1,169,918.93), an increase of one hundred seventy thousand, five hundred twenty-two dollars and ninety-three cents (\$170,522.93). This additional amount (\$170,522.93) is the responsibility of the City and the City agrees the Commission may program additional STBG funds allocated to the City in the amount of one hundred thirty-six thousand, four hundred eighteen dollars (\$136,418.00), with the remaining city obligation of thirty-four thousand, one hundred four dollars and ninety-three cents (\$34,104.93) from city local funds and remitted by a check payable to the Director of Revenue – Credit State Road Fund. The Commission will be responsible for all cost overruns and receive all savings for cost underruns for costs not eligible for cost sharing. The Commission's share of any cost overruns will

come from its Southwest District distributed funds.

(E) A breakdown of the current estimate of project funding is shown in "Exhibit A" to this Second Supplemental Agreement.

(2) REVISION TO EXHIBIT "B" OF THE FIRST SUPPLEMENTAL AGREEMENT: Exhibit "B" of the First Supplemental Agreement is hereby deleted in its entirety and replaced with the "Exhibit A" to this Second Supplemental Agreement, attached hereto and made part hereof.

(3) ORIGINAL AGREEMENT: Except as otherwise modified, amended, or supplemented by this Second Supplemental Agreement, the Original Agreement and all previous Supplemental Agreements between the parties shall remain in full force and effect and shall extend and apply to this Second Supplemental Agreement as if fully written in this Second Supplemental Agreement.

*[remainder of page intentionally left blank; signatures appear on following page]*

IN WITNESS WHEREOF, the parties have entered into this Second Supplemental Agreement on the date last written below.

Executed by the City this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Executed by the Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

MISSOURI HIGHWAYS AND  
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD

\_\_\_\_\_  
Title: \_\_\_\_\_

By \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
Secretary to the Commission

By \_\_\_\_\_  
Title: \_\_\_\_\_

Approved as to Form:

Approved as to Form:

\_\_\_\_\_  
Commission Counsel

\_\_\_\_\_  
Title: \_\_\_\_\_

Ordinance No.: \_\_\_\_\_

Exhibit "A" to the Second Supplemental Agreement

**Project Name:** Route 13 Pavement Reconstruction  
**MoDOT Job Number:** 8P3042  
 Pavement improvements on various sections of Kansas Expressway from I-44 to Mt. Vernon Street.  
**Description:**

**Definition of "Total Project" for Cost Sharing Includes:**

PE Costs	ROW	ROW Incidentals
Construction	Inspection	Utility relocations

**Project Estimate**

	Current Estimate	Cost Share Eligible
Preliminary Engineering	\$ 121,666	\$ 121,666
Right-of-way	\$ -	\$ -
Right-of-way Incidentals	\$ -	\$ -
Utilities	\$ -	\$ -
Construction	\$ 2,155,420	\$ 1,704,000
Contingency	\$ 34,080	\$ 34,080
Non-contractuals	\$ -	\$ -
Inflation	\$ -	\$ -
Inspection and Letting	\$ 139,046	\$ 139,046
<b>Total</b>	<b>\$ 2,450,212</b>	<b>\$ 1,998,792</b>

**Project Responsibilities**

Preliminary Engineering	MoDOT
ROW Acquisition	MoDOT
Letting	MoDOT
Inspection	MoDOT

**Financial Responsibilities for the Purpose of Cost Sharing**

City of Springfield 1/8 Cent	\$ 199,879	Total Local Share \$ 999,396 50.0%
City of Springfield STBG-U	\$ 799,517	
MoDOT/SW in-kind	\$ 260,712	Total MoDOT Share \$ 999,396 50.0%
MoDOT SW District Funds	\$ 72,427	
MoDOT Cost Share	\$ 666,257	

Exhibit "A" to the Second Supplemental Agreement, Continued

**Financial Responsibilities Not Eligible for Cost Sharing**

MODOT Section 130 Funds	\$ 203,139	Total MoDOT Share
MoDOT Grade Crossing Safety Account	\$ 22,571	
MoDOT SW District Funds	\$ 225,710	
		\$ 451,420

Combined Total MoDOT Share
\$ 1,450,816

**How are overruns and underruns handled?**

The City and Commission will share cost overrun expenses equally and cost underrun savings equally for total project costs eligible for cost sharing. For its share of cost overrun expenses, the City agrees that the Commission may program up to 80% STBG-U funds allocated to the City by the Ozarks Transportation Organization, with the remainder being City local funds. The Commission will be responsible for all cost overruns and receive all savings for cost underruns for costs not eligible for cost sharing.

Exhibit "A" to the Second Supplemental Agreement, Continued

Estimated and Actual Costs

	Agreement Estimate	Actual Cost	Difference
Preliminary Engineering	\$ 121,665.60	\$ -	\$ (121,665.60)
Right-of-way	\$ -	\$ -	\$ -
Right-of-way Incidentals	\$ -	\$ -	\$ -
Utilities	\$ -	\$ -	\$ -
Construction (Roadway)	\$ 1,738,080.00	\$ 2,143,337.39	\$ 405,257.39
Construction (Rail Crossing)	\$ 451,420.00	\$ 191,723.60	\$ (259,696.40)
Inspection and Letting	\$ 139,046.40	\$ 196,500.47	\$ 57,454.07
Total	\$ 2,450,212.00	\$ 2,531,561.46	\$ 81,349.46
Total for Cost Sharing	\$ 1,998,792.00	\$ 2,339,837.86	\$ 341,045.86
City of Springfield Share	\$ 999,396.00	\$ 1,169,918.93	\$ 170,522.93

<b>Contract Bid for Construction (Roadway)</b>	
Low Bid 140523-G04 Award	\$ 2,140,521.48
Change Order #1	\$ -
Change Order #2	\$ 14,959.94
Other Adjustment	\$ (12,144.03)
Final Contract Amount	\$ 2,143,337.39
Difference	\$ 2,815.91

City of Springfield Overrun Share	\$ 170,522.93
STBG funds from OTO	\$ 136,418.00
City funds	\$ 34,104.93

CITY OF SPRINGFIELD, MO  
BUDGET ADJUSTMENT

Exhibit 2

Budget Adjustment  
0026

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	416010	101981	00000	136,418.00	Federal STBG-Urban Grant Revenues
Net Revenue Adjustment						136,418.00	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	509110	101981	00000	136,418.00	Kansas Expressway Pavement Repairs & Rehabilitation between Interstate 44 and Mount Vernon Street
Net Expenditure Adjustment						136,418.00	

Fund Balance Appropriation:

Fund	Title	Amount
		0.00

Explanation: To appropriate federal STBG-Urban grant funds for up to 80% of the City's share of costs including cost overruns for Kansas Expressway Pavement and Rehabilitation between Interstate 44 and Mount Vernon Street. City grant match of approximately 20% will be from the 1/8-Cent Transportation Sales Tax from funds already budgeted.

Requested By:

Dan Smith 2/6/18  
Department Head Date

Approved By:

[Signature] 2/6/18  
Director of Finance Date

Authorization:

Council Bill No. 2018-048  
Ordinance No. \_\_\_\_\_  
1st Reading \_\_\_\_\_  
2nd Reading \_\_\_\_\_  
Journal Imp No. \_\_\_\_\_

\_\_\_\_\_  
City Manager Date