

Memo



To: Clay Pearson, City Manager

From: Cara Davis, Senior Project Manager

CC: Jon Branson, Deputy City Manager
Trent Epperson, Assistant City Manager
Robert E. Upton, P.E., Director of Engineering
Skipper Jones, Assistant Director of Project Management
Chris Orlea, Director of Parks & Recreation

Date: July 11, 2019

Re: Shadow Creek Ranch Trail – AFA Termination & Revised Advance Funding Agreement

7/11/2019

To: Mayor and City Council members

After nine months of waiting and putting the contractor in holding pattern, TxDOT has finally returned back the problematic Advanced Funding Agreement with no substantial changes from what they messed up in September 2018. Clay

Purpose

This memo provides information a status update the Shadow Creek Ranch Trail (Trail) project. The revised Advance Funding Agreement (AFA) for the Transportation Alternatives Program (TAP) between the Texas Department of Transportation (TxDOT) and the City has now been finalized and will be presented to Council for approval on the July 22, 2019 meeting agenda.

Background

In 2013, the Houston Galveston Area Council (H-GAC) selected the City's Shadow Creek Ranch Trail application for funding with federal Transportation Enhancement (TE) funds and federal Surface Transportation Program, Metropolitan Mobility Off-System (STP-MM) funds. In August of 2015, the City entered into an AFA with TxDOT for Design services, including survey and environmental clearances, with \$248,562.00 in federal participation dollars.

A separate AFA for construction was approved by Council and executed with TxDOT in November 2017. Federal participation in construction funding was listed as \$1,447,555.00. Both agreements reimbursed the City for all approved consultant/construction costs up to 80% of the approved amount, less direct/indirect state cost incurred on the project, and required a twenty percent matching contribution from the City. The City is responsible for all costs in excess of the approved amount. The City's cost on this project have been added to the budget for TIRZ#2 and will be reimbursed to the City by the TIRZ in the Future.

Advertising for the project letting commenced on July 18, 2018 and bids were opened on August 16, 2018. The City's concurrence to award package, which included the City's and Designer's recommendation of award to Texas Wall and Landscape, LLC, contract documents, and procedural checklists, was submitted to TxDOT on August 31, 2018.

In September 2018 during TxDOT's review of the Concurrence of Award package for construction, TxDOT discovered that they made an error on the second funding agreement (construction AFA, Nov. 2017 version). Per TxDOT, TIP Amendment #31, which allocated the funds for the project from the MPO, only allocated \$1,299,804.00 for construction instead of the \$1,447,555.00 shown

on the Construction AFA approved by Council in November 2017. The error on the AFA required the termination of the original AFA of Nov. 2017 and reissuance of a new AFA with the correct Federal fund allocations.

Due to the issues the City has experienced with TXDOT on previous projects related to funding reimbursement when all paperwork and agreements were not in place, the City erred on the side of caution and has not issued the NTP for the start of construction without a valid AFA in place. Due to the length of time that has passed while the funding issues were being resolved with TxDOT, the 90-day timeframe the contractor was required to hold their bid expired. The contractor was only required to hold bid prices until November 14, 2018. Texas Wall previously submitted two extension letters that held their bid prices until December 28, 2018. Since a significant amount of time has elapsed, they are currently checking with their suppliers to see if there are any cost impacts. If there are any, these will be discussed at the pre-construction meeting.

City staff has worked with TxDOT since September 2018 to draft a new AFA for the Shadow Creek Ranch Trail project, covering both design and construction, which will replace both existing AFA's. After several iterations the finalized AFA was finally sent to the City in late June for review and City staff found that the AFA mirrors language from the original construction AFA with no major deviations in language and no change in the funding table from the previously approved document. TxDOT has also provided additional documentation that will terminate the original design and construction AFA's approved in August 2015 and November 2017.

The project budget in Attachment C of the AFA has been updated to show the project estimates, source of funds and fund allocation for design and construction in one chart. The section relating to design has been revised from the original AFA to move \$30,000 in funds allocated for Right-of-Way (ROW) to Engineering as no ROW was required for this project. The construction budget of the AFA corrects the Category 9 TAP funding to reflect \$1,091,590, which was the amount actually awarded by the MPO, instead of the \$1,199,341 that was incorrectly shown in the 2017 AFA.

Scope

The AFA defines the scope of work, the City's and TxDOT's responsibilities, and sources of funding. The project consists of the engineering and construction of approximately two and half miles of shared-use path along the south bank of Clear Creek. The amenities include at least eight benches, one table, two trash receptacles, a shade structure, signage, and landscaping improvements. This project is an extension of the Trail Master Plan and is intended to tie in to existing and future segments to provide a safe off-street alternative transportation route for bicyclists and pedestrians.

Next Steps

At this time City Staff is scheduling the pre-construction conference to be held sometime in late July. The Notice to Proceed for construction will be issued to Texas Wall in August after all paperwork is approved by TxDOT. The project schedule per the contract is 180 days to substantial completion which equates to a February 2020 completion.

Budget Info

This project is eligible for up to 80% reimbursement, not to exceed the limits outlined in the Federal Participation section of the AFA, from the Federal Highway Administration (FHWA) for design and construction. TxDOT will charge the project for its direct and indirect oversight costs (plan review, project administration, and oversight). Staff will present this AFA to Council on the August 12th Agenda and recommend approval.

Funding Sources	Series	To Date	Future	Total Budget
TIRZ Reimbursement (CO)	2016	324,951		324,951
TIRZ Reimbursement (CO)	2018	380,000		380,000
General Obligation Bonds				-
General Obligation Bonds				-
W/S Revenue Bonds				-
W/S Revenue Bonds				-
General Revenue - Cash		38,994		38,994
Other Funding Sources (TIP)		1,492,366		
Other Funding Sources - Fund Balance		23,815		23,815
Total Funding Sources		2,260,126	-	2,260,126

Expenditures	To Date	Future	Total
PER			-
Land			-
Design	296,592	63,783	360,375
Construction	10,055	1,636,960	1,647,015
Construction Management/Inspection		144,000	144,000
Construction Materials Testing			-
FF&E			-
Total Expenditures	306,647	1,844,742	2,151,390

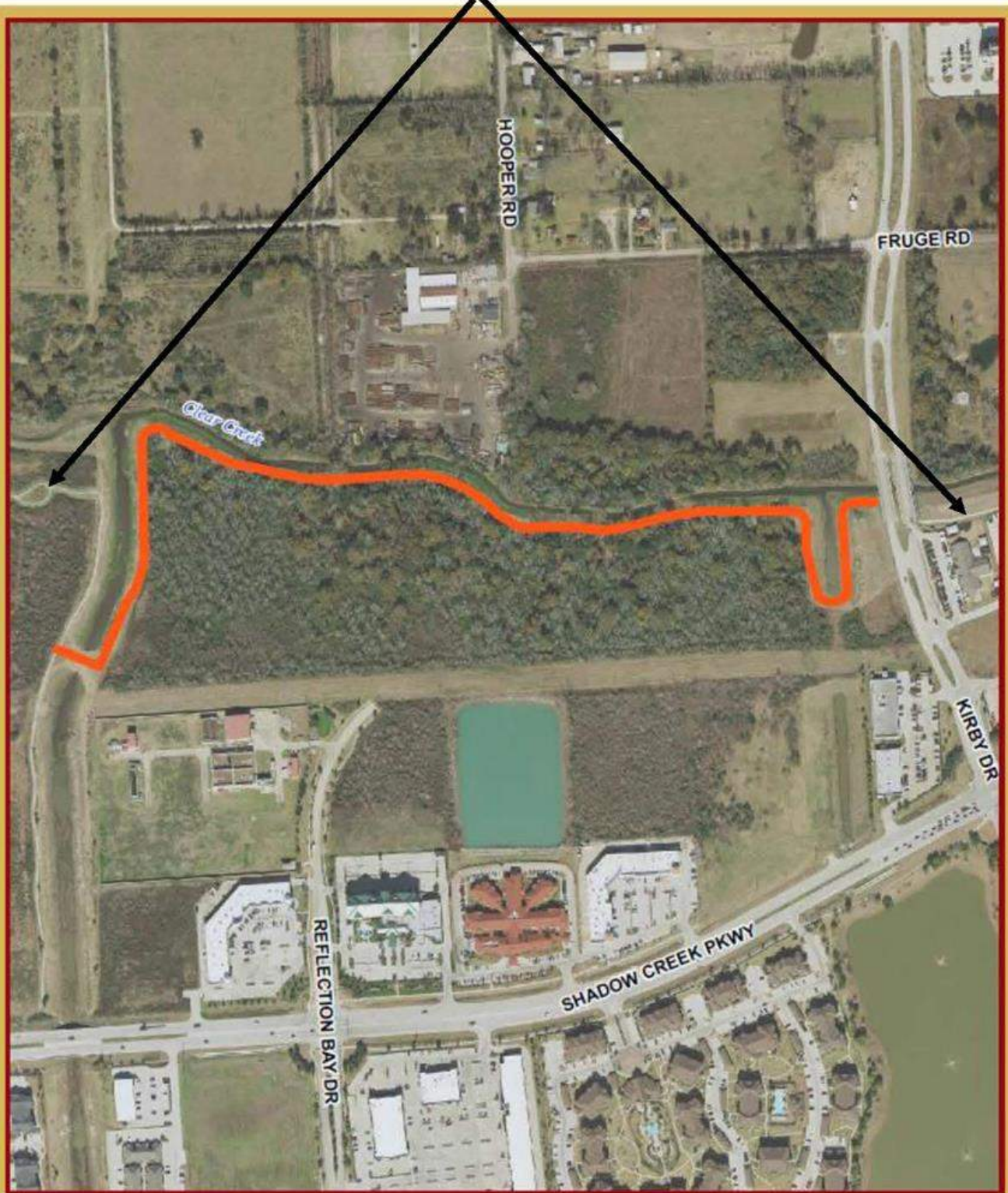
Project Balance/Contingency	108,736
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Schedule Info:

	Base Line	Current
Design Start	September-15	February-17
Bid Start	May-18	July-18
Construction Start	October-18	January-19
Proposed Construction Completion	August-19	

Project Location Map:

Existing Shadow Creek Ranch Nature Trail



CITY OF PEARLAND
Shadow Creek Ranch Trail



1 inch = 425 feet
0 200 400 600
Feet

MAP PREPARED: AUG 2015
GIS DEPARTMENT

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