

RESOLUTION NO. 30-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AND APPROVE A SUPPLEMENTAL AGREEMENT FOR THE ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION PROVIDING FOR VOLUNTARY UTILITY RELOCATION CONTRIBUTIONS ON STATE HIGHWAY IMPROVEMENT PROJECTS FOR RELOCATION OF FRANCHISED UTILITY FACILITIES IMPACTED BY THE RECONSTRUCTION OF THE LBJ FREEWAY (MESQUITE SECTION) PHASES 2 AND 2B PROJECT.

WHEREAS, the City of Mesquite and the Texas Department of Transportation (TxDOT) are participating in the design and construction of roadway improvements on LBJ Freeway at Town East Boulevard (Phases 2 and 2B Improvements); and

WHEREAS, TxDOT has agreed to reimburse the replacement of all city and franchise utilities required to avoid project improvements; and

WHEREAS, additional engineering design services are required to address design issues related to the relocation of franchised utility facilities encountered during the preparation of the plans and specifications for the project; and

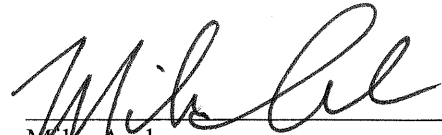
WHEREAS, TxDOT will reimburse the City for the requested design changes to the plans and specifications for the franchise utility facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the terms and conditions of the attached Exhibit "A" titled "STANDARD UTILITY AGREEMENT SUPPLEMENTAL AGREEMENT NO.1 TO U-10232 TO THE ADVANCE FUNDING AGREEMENT FOR VOLUNTARY UTILITY RELOCATION CONTRIBUTIONS ON STATE HIGHWAY IMPROVEMENT PROJECTS" are hereby approved after being reviewed by the City Council and found to be acceptable and in the best interest of the City of Mesquite and its citizens.


SECTION 2. That the City Council authorizes the Mayor to execute and approve the Supplemental Agreement to the Advance Funding Agreement for Voluntary Utility Relocation Contributions on State Highway Improvement Projects for providing additional engineering design services related to relocation of the franchise utility facilities impacted by the reconstruction of the LBJ (Mesquite Section) Phases 2 and 2B improvement project as detailed in Exhibit "A."

DULY RESOLVED by the City Council of the City of Mesquite, Texas on the 1st day of August, 2005.



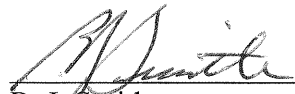
Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney



APPROVED BY CITY COUNCIL
DATE 8/1/05
CITY SEC. _____

STANDARD UTILITY AGREEMENT SUPPLEMENTAL AGREEMENT NO. 1 TO U-10232

District: Dallas
Federal Project No.: NH 2004 (230)
ROW CSJ: 2374-02-112
Proposed Highway Project Letting Date: October 2005

County: Dallas
Highway: IH 635
From: North of Town East Blvd.
To: US 80

THIS SUPPLEMENTAL AGREEMENT by and between the State of Texas ("**State**") and City of Mesquite ("**Utility**") shall be effective upon the date of acceptance and execution by and on behalf of the **State**.

WHEREAS, the **State** and **Utility** executed a Standard Utility Agreement on November 17, 2004 concerning the adjustment, relocation or removal of certain of **Utility's** facilities;

WHEREAS, said Standard Utility Agreement limits the required scope of work and/or the amount of eligible reimbursement;

WHEREAS, due to newly discovered information by the **Utility** deemed sufficient by the **State**, the **State** and **Utility** agree that supplementation to the Standard Utility Agreement is necessary; and

WHEREAS, the statement of work contained in the Standard Utility Agreement shall be supplemented to include: Contract engineering is changed due to revisions to the required utility plans, utility special specifications, utility special provisions and utility agreements, which is more specifically shown in **Utility's** plans, specifications, estimated costs and schedule which are attached to this supplemental agreement as Attachment "I".

NOW, THEREFORE, BE IT AGREED:

The statement of work contained in the Standard Utility Agreement is supplemented to include the additional adjustment, relocation or removal found in Attachment "A".


The estimated cost of the adjustment, relocation or removal is increased to a total of \$1,942,797.30 from an original amount of \$1,807,534.30 for an increase of \$135,263.00. The parties agree that the approval of estimated costs in no way indicates the eligibility of said costs for reimbursement.

All conditions and agreements contained in the Standard Utility Agreement except those specifically included in this document remain in effect.

The signatories to this agreement warrant that each has the authority to enter into this agreement on behalf of the party represented.

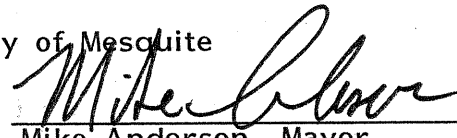
UTILITY

Utility: City of Mesquite


By: 
Ted Barron


Title: City Manager

Date: September 28, 2005

City of Mesquite
by 
Mike Anderson, Mayor

EXECUTION RECOMMENDED:


FOR ROW Administrator, Dallas District *

<p style="text-align: center;">THE STATE OF TEXAS</p> <p>Executed and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.</p> <p>By: <u></u></p> <p style="text-align: center;">FOR RIGHT OF WAY DIRECTOR**</p> <p>Date: <u>10/24/05</u></p>


* For locally-executed agreements, ROW Administrator recommends execution; otherwise District Engineer (or designee).
** For locally-executed agreements, District Engineer (or designee) approves and executes; otherwise ROW Division Director.

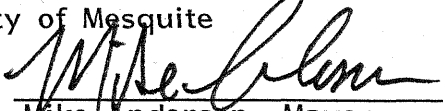
ITEM	ORIG. HOURS	ADDL. HOURS	COST
Complexity of specification development for utility specifications and the utility agreement process. The original Specifications were developed referencing the Utility Owner's Specifications which were to be hand inserted by the Design Division. After discussions with the reviewers in Design and Construction Divisions, TxDOT directed the Rewrite of the Specs to be inclusive of the owner's specifications in lieu of referencing them;	60	269	\$27,864
redesign of utility alignments due to project changes to Town East retaining walls and noise walls by TxDOT and the addition of a frontage road and interim direct connector from IH 30/IH635 interchange as requested by TxDOT Planners; TxDOT electrical service requirements for project enhancements.	2348	568	\$53,871
Additional Utility Coordination due to delay of the letting by eleven months from Nov. 2004 to Oct 2005; Changes in TxDOT Specification formats to the "Active Imperative" Tense;	0	434	\$49,028
Expenses	N/A	N/A	\$4500
TOTALS		1271	\$135,263

ATTACHMENT "I"
(to be used only for Inclusion in Highway Construction Contract)

In the best interest of both the **State** and the **Owner**, the **Owner** requests the **State** to include the plans and specifications for this work in the general contract for construction of Highway IH 635 in this area, so that the work can be coordinated with the other construction operations; and the construction contract is to be awarded by the **State** to the lowest qualified bidder who submits a proposal in conformity with the requirements and specifications for the work to be performed.

Utility: City of Mesquite

By: 
Ted Barron

City of Mesquite
by 
Mike Anderson, Mayor

Title: City Manager

Date: September 28, 2005

Note:

City of Mesquite (Owner) shall, as a part of their Utility Agreement, be responsible for the Engineering and PS & E preparation of **ALL** utility adjustments required within the limits of the above-mentioned project.

The cost for constructing Owner's facilities under this agreement will be derived from the accumulated total of utility items as set forth in the general construction contract, plus the indirect costs of the items below:

The **City of Mesquite (Owner)** shall bill direct to the Utility Section of the Dallas District Right of Way Department, charges for Contract Engineering and Overhead, plus the Review costs by the city as shown and inspection costs.

Contract Engineering Costs	\$575,021.00
Engineering Review, Overhead	\$ 38,710.65
Inspection	<u>\$ 38,710.65</u>
Total	\$652,442.30

See attached "Cost Estimate" to provide the origin of costs listed above.

City of Mesquite
Relocation Costs
LBJ/Town East Blvd Interchange
Summary of Costs
UA # 10232

Without Betterment		With Betterment	
C. Construction Cost	\$ 1,193,500.00	C. Construction Cost	\$ 1,290,355.00
D. Contract Engineering	\$ 575,021.00	D. Contract Engineering	\$ 575,021.00
E. City of Mesquite	\$ 71,610.00	E. City of Mesquite	\$ 77,421.30
TOTAL	\$ 1,840,131.00	TOTAL	\$ 1,942,797.30

Betterment Credit Percentage Calculation

Relocation Cost Difference	\$	102,666.30
With Betterment Grand Total	\$	1,942,797.30

Betterment Credit **5.28%**
 To Be Paid By City of Mesquite

ESTIMATED REIMBURSABLE AMOUNT: \$ 1,840,131.00

City of Mesquite
LBJ/Town East Blvd Interchange
Cost Estimate (Without Betterment)
UA # 10232

A. Water Materials and Labor

Item	Unit	Qty	Unit Cost	Item Total
a. Town East Blvd. Relocations:				
18" Water Main (Open Cut)	LF	965	\$300.00	\$ 289,500.00
18" Water Main - Bored with 30" Casing	LF	446	\$450.00	\$ 200,700.00
12" Water Main (Open Cut)	LF	90	\$200.00	\$ 18,000.00
12" Tapping Sleeve & Valve	EA	4	\$2,500.00	\$ 10,000.00
2" Water Service	LF	110	\$45.00	\$ 4,950.00
Fire Hydrant	EA	4	\$2,500.00	\$ 10,000.00
18" Water Valve	EA	4	\$4,000.00	\$ 16,000.00
18" Tie-In to Existing Main	EA	2	\$3,500.00	\$ 7,000.00
DIP Fittings	TON	2	\$2,000.00	\$ 4,000.00
Manhole	EA	2	\$4,500.00	\$ 9,000.00
Subtotal				\$ 569,150.00
E&C Charge by State				\$ 56,915.00

Water Materials & Labor Total: \$ 626,065.00

B. Sanitary Sewer Materials and Labor

Item	Unit	Qty	Unit Cost	Item Total
a. Town East Blvd. Relocations:				
8" SDR 26 Sewer Main	LF	635	\$120.00	\$ 76,200.00
8" Sewer Main - Bored with 20" Casing	LF	677	\$350.00	\$ 236,950.00
6" Sewer Lateral	LF	150	\$80.00	\$ 12,000.00
Manhole	EA	7	\$5,000.00	\$ 35,000.00
b. Sanitary Sewer Crossing @ Sta 1050+00:				
8" Sewer Main - Bored with 20" Casing	LF	370	\$350.00	\$ 129,500.00
48" Standard Manhole	EA	2	\$5,000.00	\$ 10,000.00
48" Drop Manhole	EA	1	\$6,200.00	\$ 6,200.00
Abandon & Grout Existing Sewer Line	LS	1	\$10,000.00	\$ 10,000.00
Subtotal				\$ 515,850.00
E&C Charge by State				\$ 51,585.00

Sanitary Sewer Mat'ls & Labor Total: \$ 567,435.00

C. Construction Cost, Including E&C Charge by State

Item	Unit	Qty	Unit Cost	Item Total
Water				\$ 626,065.00
Sanitary Sewer				\$ 567,435.00

**Construction Cost Total:
(Including E&C Charge by State) \$ 1,193,500.00**

D. Contract Engineering (City of Mesquite, SBC, Oncor, and TXU Gas)

Item	Unit	Qty	Unit Cost	Item Total
Utility Relocation Plans	Lump Sum	1	\$ 575,021.00	\$ 575,021.00

Contract Eng Total: \$ 575,021.00

City of Mesquite
LBJ/Town East Blvd Interchange
Cost Estimate (Without Betterment)
UA # 10232

E. City of Mesquite

Item		%	Construction Cost	Item Total
Administration, Engineering Review		3.0%	\$ 1,193,500.00	\$ 35,805.00
Inspection		3.0%	\$ 1,193,500.00	\$ 35,805.00
City of Mesquite Total:				\$ 71,610.00

City of Mesquite
LBJ/Town East Blvd Interchange
Cost Estimate With Betterment
UA # 10232

A. Water Materials and Labor

Item	Unit	Qty	Unit Cost	Item Total
a. Town East Blvd. Relocations:				
18" Water Main (Open Cut)	LF	965	\$300.00	\$ 289,500.00
18" Water Main - Bored with 30" Casing	LF	446	\$450.00	\$ 200,700.00
12" Water Main (Open Cut)	LF	90	\$200.00	\$ 18,000.00
12" Tapping Sleeve & Valve	EA	4	\$2,500.00	\$ 10,000.00
2" Water Service	LF	110	\$45.00	\$ 4,950.00
Fire Hydrant	EA	4	\$2,500.00	\$ 10,000.00
18" Water Valve	EA	4	\$4,000.00	\$ 16,000.00
18" Tie-In to Existing Main	EA	2	\$3,500.00	\$ 7,000.00
DIP Fittings	TON	2	\$2,000.00	\$ 4,000.00
Manhole	EA	2	\$4,500.00	\$ 9,000.00
Subtotal				\$ 569,150.00
E&C Charge by State				\$ 56,915.00

Water Materials & Labor Total: \$ 626,065.00

B. Sanitary Sewer Materials and Labor

Item	Unit	Qty	Unit Cost	Item Total
a. Town East Blvd. Relocations:				
12" SDR 26 Sewer Main	LF	635	\$135.00	\$ 85,725.00
12" Sewer Main - Bored with 24" Casing	LF	677	\$425.00	\$ 287,725.00
6" Sewer Lateral	LF	150	\$80.00	\$ 12,000.00
Manhole	EA	7	\$5,000.00	\$ 35,000.00
b. Sanitary Sewer Crossing @ Sta 1050+00:				
12" Sewer Main - Bored with 24" Casing	LF	370	\$425.00	\$ 157,250.00
48" Standard Manhole	EA	2	\$5,000.00	\$ 10,000.00
60" Internal Drop Manhole	EA	1	\$6,200.00	\$ 6,200.00
Abandon & Grout Existing Sewer Line	LS	1	\$10,000.00	\$ 10,000.00
Subtotal				\$ 603,900.00
E&C Charge by State				\$ 60,390.00

Sanitary Sewer Mat'ls & Labor Total: \$ 664,290.00

C. Construction Cost, Including E&C Charge by State

Item	Item Total
Water	\$ 626,065.00
Sanitary Sewer	\$ 664,290.00

Construction Cost Total: \$ 1,290,355.00
(Including E&C Charge by State)

D. Contract Engineering (City of Mesquite, SBC, Oncor, and TXU Gas)

Item	Unit	Qty	Unit Cost	Item Total
Utility Relocation Plans	Lump Sum	1	\$ 575,021.00	\$ 575,021.00

Contract Eng Total: \$ 575,021.00

City of Mesquite
LBJ/Town East Blvd Interchange
Cost Estimate With Betterment
UA # 10232

E. City of Mesquite

Item		%	Construction Cost	Item Total
Administration, Engineering Review		3.0%	\$ 1,290,355.00	\$ 38,710.65
Inspection		3.0%	\$ 1,290,355.00	\$ 38,710.65
City of Mesquite Total:				\$ 77,421.30