

City of Fort Worth, Texas

Mayor and Council Communication

DATE: 05/05/20 M&C FILE NUMBER: M&C 20-0293

LOG NAME: 20EAST 1ST STREET FINAL TXDOT PAYMENT

SUBJECT

Authorize Final Payment in the Amount of \$648,411.08 to the Texas Department of Transportation for the Construction of East First Street from Beach Street to Oakland Boulevard, Adopt Appropriation Ordinances and Update the FY2020-2024 Capital Improvement Plan (COUNCIL DISTRICT 4)

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt the attached appropriation ordinance increasing receipts and appropriations in the amount of \$226,924.26 from available funds within the 39008 Transportation Impact Fee Capital Legacy Fund for East First Street project (City Project Number C00145);
2. Adopt the attached appropriation ordinance increasing receipts and appropriations in the amount of \$73,075.74 from available funds within the 30108 Transportation Impact Fee Capital Fund for East First Street project (City Project Number C00145);
3. Adopt the attached appropriation ordinance increasing receipts and appropriations in the amount of \$348,411.08 from available funds within the 39403 Street Improvement Fund for East First Street project (City Project Number C00145); and
4. Authorize final payment in the amount of \$648,411.08 to the Texas Department of Transportation for the construction of East First Street from Beach Street to Oakland Boulevard (City Project Number C00145).

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to seek authorization for additional funding from the Transportation Impact Fee Legacy Capital Fund. Transportation Impact Fee Capital Fund and Street Improvements Fund-to reimburse the Texas Department of Transportation (TXDOT) for cost overruns in the project. The project scope was the widening of East First Street from a 2- to a 4-lane divided arterial and was led and managed by TXDOT in accordance with the Local Advance Project Funding Agreement (LPAFA) executed on August 29, 2013 (CSO 44808, M&C C-26198). Construction was completed in June 2018 and a final project audit conducted by TXDOT in December 2019 shows the amount due TXDOT from the City is \$648,411.08.

TXDOT issued a final invoice in December 2019 and a payment demand letter in January 2020. Staff has reached out to TXDOT requesting more time to evaluate the project cost audit and TXDOT has agreed to grant an extension for the City to pay no later than June 11, 2020. Staff has reviewed the cost and agrees with the amount of overages which become part of the City's financial responsibility and due to TXDOT.

The final payment to TXDOT of \$648,411.08 is the balance of the City's obligations under the LPAFA and is comprised of construction quantity overruns, change orders requiring additional TXDOT construction engineering, inspection and testing costs beyond original estimates. The final payment brings the City's final contribution on this project to a total of \$1,573,048.39.

Previous contract adjustments approved by City Council for the East First Street project are M&Cs: C-26198 approved on 8/29/13, C-27560 approved on 12/15/15 and administratively approved change orders resulting in total payments to TXDOT in the amount of \$924,637.31. This M&C will authorize a final payment to TXDOT in the amount of \$648,411.08 from East First Street funds.

The completion of this project will have no significant impact on the general fund operating budget.

The City Council previously found that the street improvement projects in Proposition One of the 2008 Bond Program were substantially complete and authorized the re-programming of residual funds that had been identified up to that point to other eligible projects (M&C G-18738). Since that time, more of the completed projects have been balanced and closed and additional residuals have been identified. By approving this M&C and adopting the attached appropriation ordinances, the City Council would be finding this project to be within the voted purpose of the bonds and to constitute an eligible expenditure of these funds. Additionally, East 1st St from Beach St to Oakland Blvd was identified as Impact Fee Eligible and included in the Council-adopted 2017 Transportation Impact Fee Study.

The following table demonstrates the funding history for the project:

Fund	Existing Appropriations	Additional Appropriations	Project Total

39403 Street Improvements	\$3,884,217.03	\$348,411.08	\$4,232,628.11
39008 Transportation Impact Fee Capital Legacy Fund	\$0.00	\$226,924.26	\$226,924.26
30108 Transportation Impact Fee Capital Fund	\$0.00	\$73,075.74	\$73,075.74
59601 Water Capital	\$415,421.44	\$0.00	\$415,421.44
59607 Sewer Capital Legacy	\$379,369.28	\$0.00	\$379,369.28
Project Total	\$4,679,007.75	\$648,411.08	\$5,327,418.83

Funding for this portion of the project was not included in the FY2020-2024 Capital Improvement Plan due to the project being scheduled to be completed in FY 2019. The action in this M&C will update the FY2020-2024 Capital Improvement Plan.

The project is in COUNCIL DISTRICT 4.

A Form 1295 is not required because: This contract will be with a governmental entity, state agency or public institution of higher education: TXDOT

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that upon approval of the above recommendations and adoption of the attached appropriation ordinances, funds will be available in the current FY2020 capital budget, as appropriated, in the Transportation Impact Fee Legacy Capital Fund, Transportation Impact Fee Capital Fund and the Street Improvement Fund for the East First Street Project. Prior to any expenditure being incurred, the Transportation & Public Works Department has the responsibility to validate the availability of funds.

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