



Legislation Text

File #: 23-0944, **Version:** 1

TO: Mayor Richard C. Irvin and City Council

FROM: Tim Weidner, P.E., Engineering Coordinator

DATE: November 30, 2023

SUBJECT:

A Resolution authorizing the execution of a Joint Funding Agreement with the State of Illinois, the execution of a Phase 3 Construction Engineering Services Agreement with Thomas Engineering Group in the not to exceed amount of \$53,808.00, and the appropriation of \$250,000.00 of MFT Funds for the Church & Sheffer Resurfacing Project.

PURPOSE:

To execute the Joint Funding Agreement for State-Let Construction Work there by reserving sufficient funds to cover the local agency share of the project cost by resolution, to approve the Phase 3 Construction Engineering Services Agreement with Thomas Engineering Group and to appropriate Motor Fuel Tax (MFT) Funds by Illinois Department of Transportation (IDOT) Resolution.

BACKGROUND:

The City applied for federal funding in the March 2022 Kane-Kendall Council of Mayors (KKCOM) Call for Projects and secured funding for 9 different projects, with 5 additional projects placed in the contingency program. This project was selected to be in KKCOM's 5-year program.

The project will resurface Church Rd from south of Indian Trail to Sheffer Rd and Sheffer Rd from Church Rd to Ohio St. The funding ratio for this project is 75/25 (75% federal / 25% local) for Construction and Construction Engineering, up to a maximum amount of \$444,000 of federal funding. KKCOM has indicated that additional federal funds should be available for this project after the letting. Resurfacing projects like this help reduce the burden of funding the City's yearly resurfacing program with local and MFT funding sources.

The City has been performing Phase 1 and Phase 2 Engineering fully in-house. Phase 1 design approval has been received. The Phase 2 plans are 99% complete and the Initial Final Plans, Specifications, and Estimates (PS&E) were submitted to IDOT on November 27, 2023. The project is targeting a March 2024 IDOT letting.

DISCUSSION:

Due to the complex nature of the project construction and documentation requirements by the Illinois Department of Transportation (IDOT) for federally funded projects, the City is required to hire a consultant for the Phase 3 Construction Engineering Services.

The City published a Qualification Based Selection (QBS) for a Phase 3 Engineering Services Master

Task Order on September 27, 2023. A Master Task Order allows the City to select a single consultant through the QBS process, and assign Engineering Service Agreements to the selected consultant at any point throughout the task order time period without issuing a new QBS. This Master Task Order procedure is described in the IDOT Bureau of Local Roads and Streets (BLRS) manual and meets the requirements for federal funding and reimbursement. Additional information is provided at the end of this discussion section.

Nine (9) firms submitted their qualifications. Staff reviewed the qualifications submitted and determined that Thomas Engineering Group (TEG) was the most qualified with the top 3 firm's scores attached as Exhibit 'D'. Exhibit 'D' also has a breakdown of the selection criteria and weighting and the score breakdowns in each category. TEG and the proposed Resident Engineer have successfully completed Phase 3 Construction Engineering Services for many federally funded projects, most recently the Liberty St and Edgelawn Dr resurfacings within the City. The attached Phase 3 Engineering Agreement (BLR 05530) from TEG in the amount of \$53,808.00 noted as Exhibit 'B' will provide full time construction and material inspection for this project.

This followed the Request for Qualifications process and is not subject to the local preference policy. The funding source, federal and MFT Funds, are not subject to the local preference policy. This is the first project to be assigned under this Master Task Order.

IDOT requires the City to execute the Joint Funding Agreement for State-Let Construction Work by setting aside the local matching funds for the project. IDOT will front fund the Construction cost and invoice the City of Aurora for its share of the construction cost. The Joint Funding Agreement (BLR 05310C) is attached for execution as Exhibit 'A'. The estimated total cost of the Construction (C) on the form is \$580,000. This amount is slightly higher than the Engineer's Final Construction cost to allow for some additional contingency with final IDOT plan review and unknowns before the bidding process in March 2024. The City's portion of construction costs would be approximately \$176,500. The City will have to front fund the Construction Engineering (CE) cost and up to 75% of this cost will be reimbursed by IDOT, at a later date. The estimated total cost of CE is \$53,808.00. The City's portion of the CE cost would be approximately \$13,308.00. The approximate total cost of C&CE (City's Share) would be \$189,808.

Currently, both Exhibit 'A' and Exhibit 'B' are drafts that are under review by IDOT. IDOT has issued guidance that these forms must be locally executed and submitted by January 31, 2024 in order to stay on schedule for the March 2024 state letting. If the forms are amended by IDOT, the Mayor and City Clerk will execute the most current forms. IDOT review of these forms may change the specific values indicated in the memo and resolution.

IDOT requires a Resolution to appropriate the MFT Funds prior to their expenditure for approved projects. The Resolution for Improvement - BLR 09110 (Exhibit 'C') appropriating MFT Funds in the amount of \$250,000.00 is attached. The resolution amount is higher than the anticipated City's share in order to cover front funding the Construction Engineering cost and to provide a small contingency.

Due to the nature of the federal funding on this project, IDOT requires that the City agree to pass a supplemental MFT resolution if necessary, to appropriate additional funds for completion of the project. City staff will review the low bids and concur with IDOT on the award of the project to the low bidder if the bids are within a reasonable approximate of the Engineer's Final Cost Estimate and

bidding the project is in the City's best interest.

It is possible that the Mayor and Clerk need to execute additional forms on the project including a Local Public Agency Amendment (BLR 05311) or revised/supplemental BLR 05530. Generally, execution of the BLR 05311 would be to receive additional federal funds or to move federal funds between Construction and Construction Engineering. As mentioned in the resolution we are requesting that the Mayor and Clerk have the ability to execute these documents if they are required to carry the purposes of this resolution into execution, without any additional City Council action. If additional MFT funds are needed for the project, then the Supplemental Resolution (BLR 09110) will be presented before the City Council.

KKCOM has indicated there may be more funding available in FFY 2024 from Redistribution Funds available due to an excess of unspent funds throughout the Chicago Metropolitan Agency for Planning (CMAP) region. The City will continue pursuing these funds on this and other projects as available, and there is optimism in securing additional money up to the 75% maximum federal match.

This Master Task Order issued as QBS 23-91 was for a 5-year term (2024-2029) and only for Phase 3 Construction Engineering services. Additionally, the Master Task Order was limited to only federally funded resurfacing projects, or other sized similar small projects like Safe Routes to School (SRTS), bicycle paths or railroad crossing projects. Larger federally funded projects such as roadway reconstructions, signal modernizations, or bridge projects are not part of the Master Task Order and would still have separate individual QBSs.

Since 2020, the City has been designing these federally funded resurfacing projects in-house, and have been processing 1-3 projects per year. City staff expects that trend to continue in the future. The intent is to use the selected consultant (Thomas Engineering Group) on about one resurfacing project per year. If there would be any other federal resurfacing projects in that year, separate QBSs would likely be issued for those resurfacing project(s) and Thomas Engineering Group could not submit on them. Due to the Redistribution Funds described above, the City may have upwards of 5 federally funded resurfacing projects under construction in the 2025 construction year. City staff would contemplate assigning 2-3 projects to Thomas Engineering for 2025 construction, depending on the specifics and timing of each project.

By selecting Thomas Engineering Group for the Master Task Order, there is no guarantee to the consultant of any future work beyond this first assignment. If there are performance issues in the future or staffing changes, the City does not need to assign any future assignments to Thomas Engineering. Additionally, we indicated that procurement policies may change in our Purchasing Division, which may necessitate the City stop assigning work under this Master Task Order. The maximum amount of work the City can assign under this Master Task Order would be \$750,000.00.

The 2024 City Budget is anticipated to provide for sufficient funds in Account 203-4060-431.79-99 (GB155, Church Road and Sheffer Road Resurfacing).

IMPACT STATEMENT:

Roadway traffic will be reduced to one lane with a flagger at various times during construction.

RECOMMENDATIONS:

Please forward this to Finance Committee for approval.

cc: Finance Committee



CITY OF AURORA, ILLINOIS

RESOLUTION NO. _____
DATE OF PASSAGE _____

A Resolution authorizing the execution of a Joint Funding Agreement with the State of Illinois, the execution of a Phase 3 Construction Engineering Services Agreement with Thomas Engineering Group in the not to exceed amount of \$53,808.00, and the appropriation of \$250,000.00 of MFT Funds for the Church & Sheffer Resurfacing Project.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City seeks to resurface Church Road from south of Indian Trail to Sheffer Road and Sheffer Road from Church Road to Ohio Street. The project has a State Job Number: C-91-176-23, Federal Project Number: 69KP(575) and MFT Section Number: 23-00363-00-RS; and

WHEREAS, the Church & Sheffer Resurfacing Project has been awarded Surface Transportation Program - Local (STU) federal funding in the amount not to exceed \$444,000.00 for Construction and Construction Engineering, which will necessitate the use of funding provided through the Illinois Department of Transportation (IDOT); and

WHEREAS, the use of federal funds requires the City to execute the Joint Funding Agreement for State-Let Construction Work with IDOT by way of appropriating the funds in the amount of \$176,500.00 (local match for Construction) of which the agreement is attached; and

WHEREAS, the use of federal funds requires the City to execute the Phase 3 Construction Engineering Agreement with Thomas Engineering Group, 762 Shoreline Drive, Suite 200, Aurora, IL 60504, by way of appropriating funds in the not to exceed amount of \$53,808.00 (front funding Construction Engineering) of which the agreement is attached; and

WHEREAS, there is a need to appropriate MFT Funds (MFT Section # 23-00363-00-RS) funds for this project in the amount of \$250,000.00, a copy of which resolution is attached for approval; and

WHEREAS, depending on the low bid prices and final construction costs there may be a need to

appropriate additional MFT funds for this project; and

WHEREAS, City staff has the authority to coordinate with IDOT in the award and execution of the contract; and

WHEREAS, the 2024 City Budget is anticipated to provide for sufficient funds in Account 203-4060-431.79-99 (GB155, Church Road and Sheffer Road Resurfacing) for this project)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Aurora, Illinois, as follows: that the Joint Funding Agreement for State-Let Construction Work with the State of Illinois in substantially the same form as attached to this Resolution as Exhibit 'A' shall be and hereby is approved; and further

BE IT RESOLVED, that Phase 3 Construction Engineering Agreement with Thomas Engineering Group in substantially the same form as attached to this Resolution as Exhibit 'B' in the amount of fifty three thousand eight hundred and eight dollars (\$53,808.00), or a higher amount if determined by IDOT during their review, shall be and hereby is approved; and further

BE IT RESOLVED, that two hundred fifty thousand dollars (\$250,000.00), or as much as may be needed to match the required funding to completed the proposed improvement, of available MFT Funds, Motor Fuel Tax Section Number 23-00363-00-RS shall be and hereby is appropriated for the purposes set forth in this resolution; and further

BE IT RESOLVED, that the City agrees to pass a supplemental MFT resolution if necessary, to appropriate additional funds for completion of the project; and further

BE IT RESOLVED, that the Mayor and the Clerk respectively, shall be and hereby are directed to execute all the aforementioned documents on behalf of the City and any other documents required to carry the purposes of this resolution into execution, including, but not limited to additional Joint Funding Agreements/Amendments, revised Engineering Agreements, and the document entitled "Resolution for Improvement Under the Illinois Highway Code, Form (BLR 09110)" attached to this Resolution as Exhibit 'C'.