

AGENDA



Recommendation for Council Action

Austin City Council	Item ID	11753	Agenda Number	39.
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Meeting Date:	1/26/2012	Department:	Transportation
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Subject

Approve a resolution authorizing negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) to provide funds received from SPG Arbor Walk, LP, a Texas limited partnership, for a roadway safety improvements project along a portion of the MoPac (Loop 1) frontage road at Arbor Walk Development in the amount of \$315,271 to be secured with a cash deposit and other fiscal security.

Amount and Source of Funding

Funding in the amount of \$315,271 has been provided by SPG Arbor Walk, LP, to be deposited into an escrow account for this project.

Fiscal Note

There is no unanticipated fiscal impact. A fiscal note is not required.

Purchasing Language:	
Prior Council Action:	
For More Information:	Robert Spillar, 974-2488; Gary Schatz, 974-7189; Gilda Powers, 974-7092.
Boards and Commission Action:	
MBE / WBE:	
Related Items:	

Additional Backup Information

SPG Arbor Walk, LP, desires to widen the northbound frontage road of Loop 1 at Arbor Walk Development to construct a deceleration/acceleration lane to be designed and funded by the developer and constructed by the State.

Because the proposed improvements are in State right-of-way, it is necessary that the State implement the construction project. The State is prohibited from directly entering into contracts with private entities for construction in State right-of-way. In order to construct the improvements, it is thus necessary for the City of Austin to enter into an agreement with the developer to receive their funds for the project, and to enter into an agreement with the State to provide funds received from the developer for the project.

The State will bid this project. The agreement with the State is nominally for the \$252,871 total of the engineer's construction estimate, as well as construction engineering, inspection, administration, and indirect costs based upon the engineer's estimate. However, because the City will be billed based upon the actual bid price, authorization to remit to the State funds from the developer up to the \$315,271 total initially received for construction, State fees, and construction contingency is sought. Any funds not expended for the project, including interest of funds in escrow, will be returned to SPG Arbor Walk, LP after completion of the project, less City administrative and indirect costs which are included in the agreement with the developer, but are not part of the agreement with the State. Because

construction costs have on past projects sometimes exceeded the engineer's estimate, a 50% construction cost contingency and a clause requiring additional funds from the developer as necessary to maintain this contingency are included in the agreement with the developer to protect the City from incurring any costs.