



**Request for City Council Committee Action
From the Departments of Public Works
and Community Planning & Economic Development**

Date: November 22, 2005
To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee
Referral to: Honorable Barbara Johnson, Chair Ways & Means/Budget Committee
Subject: **Loring Bikeway Phase II Force Account Agreement**

Recommendation:

- a.) Authorize the appropriate City Officers to execute Force Account Agreements with the Minnesota Department of Transportation, and
- b.) Authorize the appropriate City Officers to enter into a contract with the Artist, Lisa Elias.

Previous Directives:

- April 5, 2005 - Authorizing the appropriate City Officers to execute Advance Construction Agreements with the Minnesota Department of Transportation and increase the appropriation and revenue source for Loring Bikeway Project and Decrease revenue source for Camden Bridge
- August 10, 2004 - Amending the 2004 Capital Improvement Appropriation Resolution (Resolution 2003R-612) by increasing the appropriation and revenue source for the Loring Bikeway Project.
- January 30, 2004 – (Resolution 2004R-034)– Authorizing the execution of a Limited Use Permit for the construction of the Loring Bicycle Bridge.
- December 15, 2003 - (Resolution 2003R-612) – Project identified as part of the adopted Five-Year Capital Improvement Program.
- August 22, 2003 - Council Action authorizing negotiations between proper City officers and private property owners in order to acquire temporary and permanent easements.
- July 25, 1997 - (Resolution 97R-210) – Recommending that Federal Funds be sought and that the City would commit to providing the necessary matching funds (80% federal-20% local).

Prepared by: Stephanie Malmberg, P.E., Project Manager, 673- 3365

Approved by:

Klara A. Fabry, P.E., City Engineer, Director of Public Works

Barbara Sporlein, Planning Director

Presenters: Stephanie Malmberg, P.E., Project Manager, Public Works
Mary Altman, Arts Administrator, Community Planning & Economic Development

Financial Impact (Check those that apply)

No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)

Action requires an appropriation increase to the Capital Budget

Action requires an appropriation increase to the Operating Budget

 Action provides increased revenue for appropriation increase

Action requires use of contingency or reserves

 Other financial impact (Explain): If Federal Funding is not authorized with a new Federal Transportation bill, other capital projects must be delayed.

Request provided to the Budget Office when provided to the Committee Coordinator

Background/Supporting Information:

A public interest finding determined that signal modifications and the artistic metal fence, both included in the scope of this federally funded project, can be done more economically as a Force Account Agreement. The Force Account Agreement, in the amount of \$ 220,015.42, will be 80% paid for using Federal funds (\$176,012.34). The local matches will be covered by the Arts in Public Places grant for the fabrication and installation of the artistic fence; and Municipal State Aid and Net Debt Bonds for the lighting and signal work.

Justification for administering this part of the project as a force account rather than including it in the contract is as follows:

SIGNAL MODIFICATION & LIGHTING

The use of City Force Account services to perform installation and connection, including all controller box and signal system rewiring, was determined to be in the best interest of the public for the following reasons:

1. Rewiring of existing, in-place and operating traffic signal control equipment is a technically difficult operation requiring special training.
2. Improper system installation or connection of equipment can cause unsafe operation at the intersection.
3. Conduit proving and cable replacement on existing operating signalized intersections and within existing signal systems must be performed under traffic with traffic signals and street lights in operation in a fashion that minimizes the effect on the public in terms of delay and public safety. City forces most effectively perform this activity.

ARTISTIC METAL FENCE

The Artist selected for this project was specifically selected following the Minneapolis Arts in Public Places Program's Artist selection process. The City of Minneapolis's Public Art Administrator facilitated the Artist selection process. The selected Artist has been working with the Public Art Administrator and the neighborhood to come up with a design for the artistic fence. As part of the process it was determined that the Artist

would design, and in collaboration with Fabricator selected by the Artist, would construct the fence. The Fabricator was selected by the Artist based on their ability to accommodate the Artist's material needs, schedule, and geographic proximity requirements.

This Force Account agreement does not present any financial impacts to the City of Minneapolis; however, as identified in the April 5, 2005 Transportation & Public Works Committee letter, we anticipate that, once construction bids are received for the master contract, we may need to return to your Committee with recommended changes to the capital program for local funding for project costs exceeding prior estimates.

Cc: Council Member Dan Niziolek, Ward 10
Council Member Lisa Goodman, Ward 7
Rhonda Rae, Public Works
Greg Schroeder, Public Works
Jack Yuzna, Public Works
Bishow Dhungana, Finance
Mary Altman, CPED
Meseret Wolana, Public Works

RESOLUTION
By Colvin Roy and Johnson

Authorizing the proper City Officers to execute the Force Account Agreement with the Minnesota Department of Transportation.

Be it Resolved, pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the City of Minneapolis to accept as its agent, Federal aid funds which may be made available for eligible transportation related projects.

Be it Further Resolved, the proper City Officers are hereby authorized and directed for and on behalf of the City to execute and enter in an agreement with the Commissioner of Transportation prescribing the terms and conditions of the said Federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No 88479," a copy of which said agreement was before the City Council and which is made a part hereof by reference.

T&PW & W&M/Budget -

Your Committee recommends passage of the accompanying resolution to authorize the appropriate City Officers to execute Force Account Agreement with the Minnesota Department of Transportation.

Your Committee authorizes the appropriate City Officer to enter into a contract with the Artist selected for this project.