



## CITY COUNCIL ACTION REPORT

Date: July 30, 2014

To: Brian Kischnick, City Manager

From: Mark Miller, Director of Economic and Community Development  
Steve Vandette, City Engineer

Subject: MDOT Contract 2014-0871 – Priority Roads Investment Program Fund  
Asphalt Resurfacing – Long Lake, Adams to Northfield Parkway

### **History:**

The City of Troy was awarded \$1.5 million in state Priority Roads Investment Program (PRIP) funds for road improvements on Long Lake Road, from Adams Road to Northfield Parkway. The work includes milling (grinding off) of the existing road and an asphalt pavement overlay.

Public Act 59 of 2013, created the Road and Risks Reserve (RRR) Fund. That section also provided for the deposit of \$230 million in General Fund revenue into the RRR Fund. Half of these funds, \$115 million, was made available on a one-time basis after October 1, 2013. The balance of the reserve funds was made available effective February 1, 2014. The FY 2013-14 State Transportation budget included the PRIP and funded the program with a one-time appropriation of \$230 million from the RRR fund.

This funding is 100% state funded with no local contribution from Troy. Long Lake is from the second round of projects selected through this program. In the first round, two projects in Troy were awarded funding; Crooks Road, from Wattles to Square Lake for concrete pavement replacement; and Livernois Road, south of Town Center for the replacement of the structure carrying the Lane Drain under Livernois Road. Crooks was awarded \$1.0 million and \$750,000 was awarded for Livernois over the Lane Drain. State Representative Martin Howrylak and State Senator John Pappageorge were instrumental in securing the funding for all three projects.

A bid opening has been scheduled for August 13, 2014 with a bid award to be prepared and included on the agenda for the August 25 City Council meeting. Work on Long Lake Road is anticipated to begin after Labor Day and all work complete and open to traffic in November.

### **Financial:**

The approval and execution of the contract makes \$1.5 million available to the City of Troy prior to the start of the project. MDOT will make one payment of \$1.5 million to the City once the Contract has been fully executed by both parties and the "Request for Payment Form – Exhibit A" has been submitted.

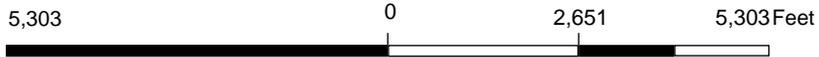
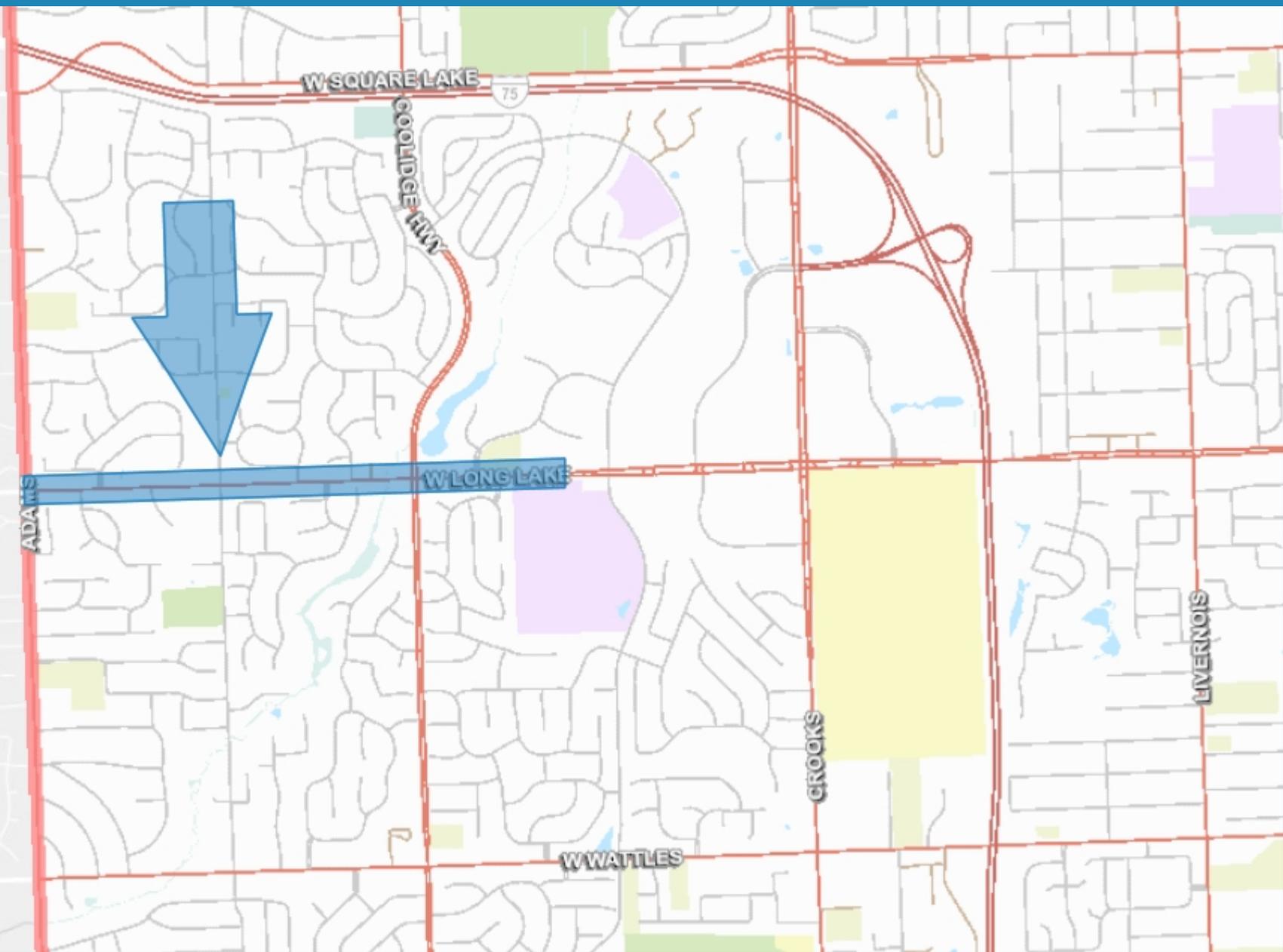
The format and content of the contract has been reviewed by the City Attorney's Office and is consistent with past MDOT contracts approved by City Council for similar projects.

There is no city match required for the PRIP funds.

**Recommendation:**

Staff recommends that City Council approve the attached MDOT Contract No. 2014-0871 between the City of Troy and the Michigan Department of Transportation for improvements to Long Lake Road, from Adams Road to Northfield Parkway using \$1,500,000 in Priority Roads Investment Program (PRIP) funds at no cost to the City of Troy. Furthermore, staff recommends that the Mayor and City Clerk be authorized to execute the agreements.

WJH/wjhG:\Contracts\Contracts - 2014\Contract 14-5 - Long Lake, Adams to Northfield Parkway\MDOT Agreement\To CC re Long Lake\_Adams to Northfield Parkway.docx



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF TRANSPORTATION  
LANSING

KIRK T. STEUDLE  
DIRECTOR

July 30, 2014

Dear City of Troy:

**MDOT CONTRACT 2014-0871**  
**Priority Road Investment Program Project (PRIP)**

Enclosed are the Contract(s) and other PRIP forms issued between your organization and the Michigan Department of Transportation. Please take the time to read and understand this Contract. If this Contract meets with your approval, please complete the following checklist, and return this checklist, the Contract and Exhibit A for each project as soon as possible. Upon its award you will receive an electronic scan for your files. The original signed Contract will be maintained in CSD files.

\_\_\_\_\_ **Please do not date the Contract.** MDOT will date the Contract when it is executed. This Contract is **not** executed until it has been signed by all parties. Upon all final approvals the Contract will be sent to the MDOT Director for execution.

\_\_\_\_\_ **Secure the necessary signatures on the Contract.**

\_\_\_\_\_ **Include a certified resolution/authorization.** The resolution/authorization should specifically name the officials who are authorized to sign the Contract. The resolution/authorization must be submitted, even though you may have submitted one in the past.

\_\_\_\_\_ **Return the Contract with the certified resolution/authorization to the attention of Bill Rottiers in the Bureau of Finance, Contract Services Division at the address at the bottom of the page for MDOT execution.** A scanned electronic copy of the executed Contract will be forwarded to your attention via e-mail. Our street address for the use of an overnight carrier, should you need it, is 425 W. Ottawa St., Lansing MI 48933.

\_\_\_\_\_ **Complete and return Exhibit A electronically by email to DoyleL@Michigan.gov or include it with the signed Contract**

\_\_\_\_\_ Public Act 533 of 2004 requires that payments under this Contract be processed by electronic funds transfer (EFT). **The CONSULTANT is required to register to receive payments of EFT at the Contract & Payment Express website (www.cpexpress.state.mi.us).**

\_\_\_\_\_ **Upon completion of the project complete and return Exhibit B by email to DoyleL@Michigan.gov**

If you have any questions regarding the Contract, please feel free to contact Bill Rottiers, Contract Administrator at (517) 373-2895 or by email at RottiersW@Michigan.gov. If you have any other questions please contact Larry Doyle, LAP Engineer at (517) 335-2233 or by email at DoyleL@Michigan.gov.

Enclosures: 3

Michigan Department  
Of Transportation  
0378 (07/14)

**REQUEST FOR PAYMENT FORM – EXHIBIT A  
PRIORITY ROADS INVESTMENT PROGRAM (PRIP)  
FUND PROJECTS**

Administered through MDOT Local Agency Program Unit

CONTRACT NO.  
2014-0871

GRANTEE  
City of Troy

ROUTE  
Long Lake Road (18 Mile)

LOCATION DESCRIPTION  
Long Lake (18 Mile), Adams to Northfield Parkway

This form must be completed and returned to Local Agency Programs (MDOT) in order for you to receive payment for the project. On the form, please be sure to include the estimated date that construction of the project will be completed and include your agency's federal identification number. As soon as this information is received, Local Agency Programs (MDOT) will authorize Contract Services Division to make payment to the local agency. Complete this form and forward it to:

**Attn. Larry Doyle, MDOT Local Agency Programs, P.O. Box 30050, Lansing, Michigan 48909,  
EMAIL: [doylel@michigan.gov](mailto:doylel@michigan.gov)**

ESTIMATED CONSTRUCTION COMPLETION DATE

APPROVED GRANT AMOUNT (for this request)  
\$ 1,500,000.00

**CERTIFICATION**

- (1) In accordance with Section 704 of Public Act 34 of 2014, I certify that the PROJECT has been obligated and construction is underway or design work was completed by July 1, 2014.
- (2) I certify that the PROJECT shall be in compliance with all applicable laws, ordinances, and codes of the United States, the State of Michigan, and the local government(s) in the area(s) in which the PROJECT is performed and obtained all permits, licenses, and other authorizations that are required for the performance of the PROJECT.
- (3) If the construction of the PROJECT is to be contracted, I certify that the contracting procedures that will be followed in connection with the administration of the construction contract for the PROJECT will be based on an open competitive bid process and that the construction contract for the PROJECT will be publicly advertised and awarded on the basis of the lowest responsive and responsible bid in accordance with applicable State and local statutes, regulations, and ordinances.

If this PROJECT will be contracted please initial here \_\_\_\_\_

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TYPED OR PRINTED NAME & TITLE	DATE
AGENCY FEDERAL I.D. NO.	TELEPHONE NO.	

RECEIVED BY MDOT LOCAL AGENCY PROGRAM ENGINEER	DATE
RECEIVED BY CONTRACT SERVICES DIVISION ADMINISTRATOR (MDOT)	DATE

Clear Form

**PROJECT COST REPORTING & CERTIFICATION**  
**FORM – EXHIBIT B**  
**PRIORITY ROADS INVESTMENT PROGRAM (PRIP)**  
**FUND PROJECTS**  
Administered through MDOT Local Agency Program Unit

This form must be completed and returned to Local Agency Programs, MDOT within 30 days of completion of the project and final payment of construction costs.

CONTRACT NO. 2014-0871	
GRANTEE City of Troy	
ROUTE NAME Long Lake (18 Mile)	
PROJECT TERMINI FROM:	TO:

On this form, please be sure to include the date that construction of the project was completed and include your agency's federal identification number. Complete this form and forward it to:

Attn. Larry Doyle, Local Agency Programs, MDOT, P.O. Box 30050, Lansing, Michigan 48909, email: [doylel@michigan.gov](mailto:doylel@michigan.gov).

**A. ACTUAL CONSTRUCTION COMPLETION DATE:** \_\_\_\_\_

**B. FINAL COST OF PRIP-ELIGIBLE WORK:**

(1) Total eligible PRIP Project Cost	\$	
(2) Total PRIP Grant Amount	\$	1,500,000.00
(3) Total Unspent PRIP Funds to be returned back to the PRIP program (Total Original Grant Amount <u>minus</u> the Total Eligible Costs)	\$	

**C. PROJECT DESCRIPTION (Provide a detailed description of services completed):**

<b>D. CERTIFICATIONS:</b>	(1) I certify that the PROJECT has been constructed in accordance with the PROJECT plans, specifications, and construction contract.
	(2) I certify that the final costs reported with this form are accurate and that all items for which payment has been requested are eligible for payment with Priority Roads Investment Program (PRIP) funds.

(3) If construction of the project was contracted, I certify that the contracting procedures followed in connection with the administration of the construction contract for the PROJECT were based on an open competitive bid process and that the construction contract for the PROJECT was publicly advertised and awarded on the basis of the lowest responsive and responsible bid in accordance with applicable State and local statutes, regulations, and ordinances.

If this project was constructed by force account, initial here \_\_\_\_\_

SIGNATURE OF AUTHORIZING CERTIFYING OFFICIAL		TYPED OR PRINTED NAME & TITLE	DATE
AGENCY FEDERAL I.D. #	TELEPHONE NUMBER	ADDRESS	

RECEIVED BY MDOT LOCAL AGENCY PROGRAM ENGINEER	DATE
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**PROJECT COST REPORTING & CERTIFICATION  
FORM – EXHIBIT B  
PRIORITY ROADS INVESTMENT PROGRAM (PRIP)  
FUND PROJECTS**

Administered through MDOT Local Agency Program Unit

PURPOSE:

AUTHORITY:

<b>Report</b> final project costs	Required by <b>Section 3</b> of the state/local agreement
<b>Certify</b> that reported costs are eligible for Priority Roads Investment Program (PRIP) funds	Required by <b>Section 5</b> of the state/local agreement
<b>Certify</b> that the project was constructed in accordance with the project plans, specifications, and construction contract	Required by <b>Section 5</b> of the state/local agreement
<b>Allow</b> for payment under the agreement be processed by electronic funds transfer (EFT).	Allowed under <b>Section 11</b> of the state/local agreement  Required by <b>Public Act 533</b> of 2004.

**INSTRUCTIONS FOR COMPLETING FORM**

1. Complete **Section A** to identify the Actual Construction Completion Date. This date will be the final date that eligible work was performed on the project. If additional time is needed to complete the work proposed an amendment to the agreement will be prepared for award by the parties.
2. Complete **Section B** to calculate the sum of the final cost. This is the adjustment to the initial payment being requested with this form. Final costs should not include extras or items related to an increase in the approved scope of work, unless those activities were approved by MDOT prior to commencement of the work. *Include only items that are participating with respect to the grant (i.e., items that were included in the original grant application and deemed eligible by the MDOT).*
3. Complete **Section C** by providing a detailed explanation of services completed for the construction of the project.
4. Complete **Section D** by signing and printing your name and dating the form. Electronic signatures are acceptable.
5. Once approved by the Local Agency Program Engineer (MDOT), copies will be provided to the MDOT Transportation Service Center and to the Contract Services Division.

**All inquiries and form submittals should be addressed to:**

Larry Doyle, MDOT Local Agency Program Unit, MDOT, P.O. Box 30050, Lansing, Michigan 48909,  
Phone: (517) 335-2233, email: [doylel@michigan.gov](mailto:doylel@michigan.gov)

**MICHIGAN DEPARTMENT OF TRANSPORTATION**  
**CITY OF TROY**  
**CONTRACT**

This Contract is made and entered into this date of \_\_\_\_\_ by and between the Michigan Department of Transportation (MDOT), of 425 West Ottawa Street, P.O. Box 30050, Lansing, Michigan 48909, and the City of Troy (AGENCY) of 500 W. Big Beaver Road, Troy, MI 48084, in accordance with Public Act 34 of 2014 for the purpose of establishing the amount of the allocation from the Priority Roads Investment Program (PRIP) Fund to the AGENCY, and setting forth the services to be provided as a result of such allocation.

The PRIP Fund is to be expended on construction projects. MDOT is responsible for administering these funds.

MDOT and the AGENCY recognize and affirm that the funds provided under this Contract shall not be used for any purpose other than those provided in Section 704 of Public Act 34 of 2014, and as provided herein. It is intended for all work activities to be completed by December 31, 2015.

This Contract sets forth a grant from MDOT to the AGENCY for the completion of improvements to Long Lake Road (18 Mile Road) from Adams Road to Northfield Parkway. The work items will include milling and overlay (PROJECT).

The Parties agree that:

The AGENCY will:

1. Undertake and complete the PROJECT in accordance with the terms and conditions of this Contract.
2. The PROJECT cost will be paid for by a grant of PRIP funds. PRIP funds will be applied to the PROJECT costs at a participation ratio of 100 percent up to an amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000.00). The AGENCY will be responsible for all costs in excess of the funds shown above.

3. The AGENCY must submit a Request for Payment Form (Exhibit A) prior to the start of the PROJECT and a Project Cost Reporting & Certification Form (Exhibit B) to MDOT upon completion of the PROJECT.

The AGENCY agrees that the costs reported to MDOT for this Contract will represent only those items that are properly chargeable in accordance with this Contract. The AGENCY also certifies that it has read the Contract terms and has made itself aware of the applicable laws, regulations, and terms of this Contract that apply to the reporting of costs incurred under the terms of this Contract.

4. Submit a copy of Exhibit B to MDOT for review and approval.
5. Certify that the PROJECT shall be in compliance with all applicable laws, ordinances, and codes of the United States, the State of Michigan, and the local government(s) in the area(s) in which the PROJECT is performed and obtain all permits, licenses, and other authorizations that are required for the performance of the PROJECT.
6. Ensure that any unspent above-mentioned funds at PROJECT completion are lapsed back to the PRIP Fund.
7. For auditing processes, all records, including executed contracts, are to be maintained for three years from the date of the project completion date. MDOT, or its representative, may inspect, copy, or audit the Records at any reasonable time after giving reasonable notice.
8. If the construction of the PROJECT is to be contracted, certify that the contracting procedures followed in connection with the administration of the construction contract for the PROJECT were based on an open competitive bid process and that the construction contract for the PROJECT was publicly advertised and awarded on the basis of the lowest responsive and responsible bid in accordance with applicable State and local statutes, regulations, and ordinances. Selection of Consultants and subcontracts will be in conformance with the AGENCY's contracting process.
9. If the construction of the PROJECT is to be contracted, ensure the contractor who is awarded the contract for the construction of the PROJECT has the appropriate bonds/liability insurance.
10. Certify that the PROJECT shall be obligated and construction shall be underway or design work shall be completed by July 1, 2014.

MDOT will:

11. Make one payment of the amount shown in Section 2 to the AGENCY upon receipt of a Request for Payment Form (Exhibit A).

12. May conduct a follow-up review of work activity.

IT IS FURTHER AGREED THAT:

13. Public Act 533 of 2004 requires that payments under this Contract be processed by electronic funds transfer (EFT). The AGENCY is required to register to receive payments by EFT at the Contract & Payment Express website ([www.cpexpress.state.mi.us](http://www.cpexpress.state.mi.us)).
14. Each party to this Contract will remain responsible for any claims arising out of the performance of this Contract, as provided by this Contract or by law.

This Contract is not intended to increase or decrease either party's liability for or immunity from tort claims.

This Contract is not intended to nor will it be interpreted as giving either party a right of indemnification, either by contract or by law, for claims arising out of the performance of this Contract.

MDOT will not be subject to any obligations or liabilities by contractors of the AGENCY or their subcontractors or any other person not a party to the Contract without its specific consent and notwithstanding its concurrence with or approval of the award of any contract or subcontract or the solicitation thereof.

15. The parties will consider the PROJECT to be complete when certified by the agency. This certification is not intended to nor does it relieve the AGENCY of any of its obligations and responsibilities herein.
16. This Contract will be in effect from the date of award through the estimated construction completion date on Exhibit A. All documented costs associated with this project are eligible for reimbursement, not to exceed the amount shown in Section 2 of this Contract.
17. Prior to expiration, the time for completion of performance under this Contract may be extended by MDOT upon written request and justification from the AGENCY. Upon approval and authorization by MDOT, a written time extension amendment will be prepared and issued by MDOT. Any such extension will not operate as a waiver by MDOT of any of its rights herein set forth.
18. In connection with the performance of SERVICES under this Contract, the AGENCY (hereinafter in Appendix A referred to as the "contractor") agrees to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts," as set forth in Appendix A, dated June 2011. This provision will be included in all subcontracts relating to this Contract.

19. This Contract may be terminated at such time as may be agreed upon by both parties or by either party giving thirty (30) days written notice to the other party. Furthermore, it may be modified at any time as agreed upon by both parties. In the event, the AGENCY terminates this Contract; it will make full repayment to MDOT.
20. Failure to submit all required forms and/or failure to comply with Contract terms may result in withholding of future Act 51 funds.
21. In case of any discrepancies between the body of this Contract and any exhibits hereto, the body of this Contract will govern.

22. This Contract will become binding on the parties and of full force and effect upon signing by the duly authorized representatives of the AGENCY and MDOT and upon adoption of a resolution approving said Contract and authorizing the signature(s) thereto of the respective representative(s) of the AGENCY, a certified copy of which resolution will be sent to MDOT with this Contract, as applicable.

CITY OF TROY

By: \_\_\_\_\_  
Title:

MICHIGAN DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Title: Department Director