

RESOLUTION NO. 105-16

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) REGARDING FUNDING OF THE 31<sup>ST</sup> STREET BRIDGE PROJECT

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:**

Section 1. The City Council finds that the funding for roadway and bridge projects provided by the Colorado Department of Transportation (CDOT) is in the best interest of the City of Colorado Springs for the health, safety and welfare of its residents.

Section 2. Pursuant to Colorado Revised Statutes § 29-1-203, the City Council has the authority to approve Intergovernmental Agreements (IGAs) between CDOT and the City Colorado Springs to ensure receipt of CDOT roadway and bridge project funding.

Section 3. Through Resolution No. 4-14, an IGA between CDOT and the City of Colorado Springs was approved on January 28, 2014 for eleven (11) projects including:

31st Street Bridge	
City Project Number:	93190068
Federal Highway Administration Number:	STU M240-153
COOT Sub Account Number:	19808
Funding:	\$1,537,589.00

Section 4. The City of Colorado Springs has requested from CDOT a change to the scope of the project. CDOT approval was granted pending a fully executed amendment to the IGA between CDOT and the City of Colorado Springs.


Section 5. On behalf of the City, the Mayor is hereby authorized to execute Amendment #1, attached hereto and incorporated herein as Exhibit A, to the IGA. Any further amendment that would increase or decrease the amount of the grant, or further expand or decrease the project scope must be approved by City Council resolution.

Dated at Colorado Springs, Colorado this 25<sup>th</sup> day of October, 2016.

  
\_\_\_\_\_  
Council President

ATTEST:

  
\_\_\_\_\_  
Sarah B. Johnson, City Clerk



Project #: STU M240-153 (19808)

**AMENDMENT**

Amendment No.:	Original Agreement Routing No.:	Amendment Routing No.:
1	14 HA2 63296	17-HA2-ZM-00050

**1) PARTIES**

This Amendment to the above-referenced Original Agreement (hereinafter called the "Agreement") is entered into by and between the CITY OF COLORADO SPRINGS (hereinafter called the "Local Agency"), and the STATE OF COLORADO (hereinafter called the "State") acting by and through the DEPARTMENT OF TRANSPORTATION, (hereinafter called "CDOT").

**2) EFFECTIVE DATE AND ENFORCEABILITY**

This Amendment shall not be effective or enforceable until it is approved and signed by the Colorado State Controller or designee (hereinafter called the "Effective Date"). The State shall not be liable to pay or reimburse Contractor for any performance hereunder including, but not limited to, costs or expenses incurred, or be bound by any provision hereof prior to the Effective Date.

**3) FACTUAL RECITALS**

- a. The Parties entered into the Agreement for replace the 31st Street bridge over Camp Creek.
- b. The Parties now desire to update Exhibit A Scope of Work.

**4) CONSIDERATION – COLORADO SPECIAL PROVISIONS**

The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Amendment. The Parties agree to replacing the Colorado Special Provisions with the most recent version (if such have been updated since the Agreement and any modification thereto were effective) as part consideration for this Amendment.

**5) LIMITS OF EFFECT**

This Amendment is incorporated by reference into the Agreement, and the Agreement and all prior amendments thereto, if any, remain in full force and effect except as specifically modified herein.

**6) MODIFICATIONS**

The Agreement and all prior amendments thereto, if any, are modified as follows:

Exhibit A shall be replaced by Exhibit A-1. Any reference in the Agreement to Exhibit A shall be a reference to Exhibit A-1.

**7) EFFECTIVE DATE OF AMENDMENT**

This Amendment shall take effect on the Effective Date.

**8) ORDER OF PRECEDENCE**

Except for the Special Provisions, in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Agreement, the provisions of this Amendment shall in all respects supersede, govern, and control. The most recent version of the Special Provisions incorporated into the Agreement or any amendment shall always control other provisions in the Agreement or any amendments.

**9) AVAILABLE FUNDS**

Financial obligations of the State payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, or otherwise made available.

**THE PARTIES HERETO HAVE EXECUTED THIS INTERGOVERNMENT AGREEMENT**

\* Persons signing for the Local Agency hereby swear and affirm that they are authorized to act on the Local Agency's behalf and acknowledge that the State is relying on their representations to that effect.

<p><b>LOCAL AGENCY</b> <b>CITY OF COLORADO SPRINGS</b></p> <p>Name: <u>John Suthers</u> (print name)</p> <p>Title: <u>Mayor</u> (print title)</p> <p><u>John Suthers</u> *Signature</p> <p>Date: <u>11/16/2016</u></p>	<p><b>STATE OF COLORADO</b> <b>John W. Hickenlooper, GOVERNOR</b></p> <p>By: <u>Joshua Laipply</u> Joshua Laipply, P.E., Chief Engineer (For) Shailen P. Bhatt, Executive Director</p> <p>Date: <u>11/30/2016</u></p>
<p><b>Additional Local Agency Signature</b> (If Necessary)</p> <p>Name: _____ (print name)</p> <p>Title: _____ (print title)</p> <p>_____ *Signature</p> <p>Date: _____</p>	<p><b>LEGAL REVIEW</b> <b>Cynthia H. Coffman, Attorney General</b></p> <p>By: <u>N/A</u> Assistant Attorney General</p> <p>Date: _____</p>

**ALL AGREEMENTS REQUIRE APPROVAL BY THE STATE CONTROLLER**

CRS §24-30-202 requires the State Controller to approve all State Agreements. This Agreement is not valid until signed and dated below by the State Controller or delegate. The Local Agency is not authorized to begin performance until such time. If the Local Agency begins performing prior thereto, the State of Colorado is not obligated to pay the Local Agency for such performance or for any goods and/or services provided hereunder.

**STATE OF COLORADO**  
**STATE CONTROLLER**  
**Robert Jarvis, CPA, MBA, JD**

By: Robert Jarvis  
Colorado Department of Transportation

Date: 12/8/16

**APPROVED AS TO FORM**

[Signature]  
**SENIOR ATTORNEY**  
**CITY OF COLORADO SPRINGS**

28. EXHIBIT A-1 – SCOPE OF WORK

<b>COLORADO DEPARTMENT OF TRANSPORTATION DESIGN DATA</b>		Orig. Date: 09/20/2013	Project Code # (SAP): 19808	STIP#: SPP6726
Page 1 to 4		Rev. Date:	Project #: STU M240-153	
Status: <input checked="" type="checkbox"/> Preliminary <input type="checkbox"/> Final <input type="checkbox"/> Revised		Revision #: 0	PE Project Code: M240-153	
Submitted By PM: SCANGAD		Region #: 02	Project Description: CO SPRINGS 31ST BRIDGE	
Approved by Program Engineer:		County: 041		
Date:	Municipality: Manitou Springs			
Revised by:	System Code: 4-Not on any Federal-aid System			
Date:	Oversight By: Assumed/State Administered			
		Planned Length: 0.100		
Geographic Location: 31ST STREET IN COLORADO SPRINGS OVER CAMP CREEK				
Type of Terrain: Urban				
Description of Proposed Construction/Improvement (Attach map showing site location) REPLACEMENT OF THE 31ST STREET BRIDGE OVER CAMP CREEK				
<b>1 Project Characteristics (Proposed)</b>		Median (Type): <input type="checkbox"/> Depressed <input type="checkbox"/> Painted <input type="checkbox"/> Raised <input checked="" type="checkbox"/> None		
<input type="checkbox"/> Lighting <input type="checkbox"/> Handicap Ramps		<input type="checkbox"/> Traffic Control Signals <input type="checkbox"/> Striping		
<input type="checkbox"/> Curb and Gutter <input type="checkbox"/> Curb Only		<input type="checkbox"/> Left-Turn Slots <input type="checkbox"/> Continuous Width=		
<input type="checkbox"/> Sidewalk Width= <input type="checkbox"/> Bikeway Width=		<input type="checkbox"/> Right-Turn Slots <input type="checkbox"/> Continuous Width=		
<input type="checkbox"/> Parking Lane Width= <input type="checkbox"/> Delours		<input type="checkbox"/> Signling <input type="checkbox"/> Construction <input type="checkbox"/> Permanent		
<input type="checkbox"/> Landscaping requirements (description):		<input type="checkbox"/> Other (description):		
<b>2 Right of Way</b>		Yes/No	Est. #	<b>3 Utilities (list names of known utility companies)</b>
ROW &or Perm. Easement Required	No	_____		Colorado Springs Utilities
Relocation Required	No	_____		
Temporary Easement Required:	No	_____		
Changes in Access:	No	_____		
Changes to Connecting Roads:	No	_____		
<b>4 Railroad Crossings</b>		# of Crossings:		
Recommendations :				
<b>5 Environmental</b>	Type:	Approved On:	Project Code # Cleared Under:	Project # Cleared Under:
	None	//		
Comments:				
<b>6 Coordination</b>				
<input type="checkbox"/> Withdrawn Lands (Power Sites, Reservoirs, Etc.) Cleared through BLM or Forest Service Office		Irrigation Ditch Name:		
<input type="checkbox"/> New Traffic Ordinance Required <input type="checkbox"/> Modify Schedule of Existing Ordinance		Municipality: Manitou Springs		
Other:				
<b>7 Construction Method</b>	Advised By:	NoAd Reason:	Entity / Agency Contact Name:	Phone #:
	Local		Aaron Egbert	719-385-5465
<b>8 Safety Considerations</b>		Project Under: AASHTO		Guardrail meets current standards: No
<input type="checkbox"/> Variance in Minimum Design Standards Required		<input type="checkbox"/> Safety project not all standards addressed		Comments:
<input type="checkbox"/> Justification Attached <input type="checkbox"/> Request to be Submitted				
<input type="checkbox"/> Bridge (see item 12) <input type="checkbox"/> See Remarks				
<input type="checkbox"/> Stage Construction (explain in remarks)				
SR projects				
Safety Evaluation Complete (date):				

Page 2 of 4		Project Code (SAA): 18806		Project #: STU M240-153		Revised date:											
Use Columns A, B, C, D and/or E to identify facility described below																	
		A =		B =		C =		D =									
E =																	
9 Traffic																	
Current Year	ADT		18,000														
2009	DHW																
	DHW % Trucks																
Future Year	ADT		38,400														
2029	DHW																
Facility Location	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial							
	<input type="checkbox"/> Residential	<input type="checkbox"/> Other	<input type="checkbox"/> Residential	<input type="checkbox"/> Other	<input type="checkbox"/> Residential	<input type="checkbox"/> Other	<input type="checkbox"/> Residential	<input type="checkbox"/> Other	<input type="checkbox"/> Residential	<input type="checkbox"/> Other							
10 Roadway Class																	
Route																	
Relat	0.000																
Enddraft	0.000																
Functional Classification	5																
Facility type	D																
Rural Code	3																
11 Design Standards																	
	Standards	Existing	Proposed	Ultimate	Standards	Existing	Proposed	Ultimate	Standards	Existing	Proposed	Ultimate	Standards	Existing	Proposed	Ultimate	
Design Variance Required (substandard items are identified with an * in 1 <sup>st</sup> column & clarify as design variance with CDD Form #484)																	
Width of Travel Lanes																	
Shoulder width (Outside)																	
Shoulder width (Inside)																	
Design Speed																	
Cross Slope																	
Max super elevation rate																	
Min. Radius																	
Min. Horizontal SSD																	
Min. Vertical SSD																	
Max Grade																	
Design Decision Letter Required (substandard items are identified with an * in 1 <sup>st</sup> column & clarify with decision letter)																	
Typical Section Type																	
# of Travel Lanes																	
Side Slope Dist. (x')																	
Median Width																	
Posted Speed																	

Page 3 of 4	Project Code #(SA#): 19808	Project #: STU M240-153	Revise Date:							
<b>12 Major Structures</b> S= to stay, R= to be removed, P= proposed new structure										
Structure ID#	▼	Length	Reference Point	Feature Intersected	Standard Width	Structure Roadway	Structural Capacity	Horizontal Clearance	Vertical Clearance	Year Built
CSG-D.90-10.16	R									
Proposed Treatment of Bridges to Remain in Place(address bridge rail, capacity, and allowable surfacing thickness):										
<b>13 Remarks</b>										
<p><b>Scope</b></p> <p>The effort included in the scope of Task Order No. 16 is focused on the 31st Street Corridor between and including the intersections with Bijou Street and Chambers Way. The effort includes: coordination with project stakeholders and providing project information to them; supplemental data collection; advancing previous design work to 80% design of street, bridge, utility, drainage, lighting and landscape elements consistent with the concept plan for the corridor that was developed through the City funded planning process that was completed in the spring of 2014; and limited NEPA process and documentation for the improvements proposed in the corridor. No right-of-way acquisition is anticipated, so no work associated with right of way acquisition is included in this scope of services. The scope is described in more detail in the following sections.</p> <p><b>Activity 1...Meetings and Coordination</b></p> <p>The performance period for the work included in this task order is expected to be approximately 8 months. We anticipate the need for approximately 8 meetings with City staff and other agencies during this time period. The street improvements to be designed will have impacts to the driveways, parking and landscaping associated with numerous private residential properties. A significant coordination effort with private property owners was accomplished with Task Order 12 and it is believed that nearly all of the owners are in concurrence with the preliminary plan. We anticipate that approximately 10 additional one-on-one meetings with the owners of the affected lots may be needed to coordinate with them as the design advances.</p> <p>At the point that the design of significant elements of the project are solidified, we have anticipated the need to hold a public open house to present the design to the public. This open house will provide information to the public but is not anticipated as a public involvement meeting where a lot of feedback will be requested from the public. This is the only public meeting included in the scope.</p> <p>In order to keep the public informed of progress, we have included the production of up to 2 newsletters to provide updates on project progress as the design moves along. The newsletters will be provided to the City for posting on the project web-site and e-mailed to the current list of Camp Creek project stakeholders. In addition, the project team will provide assistance to the City in drafting occasional news releases associated with the project as need for them arise.</p> <p><b>Activity 2. Data Collection</b></p> <p>Much of the needed background information topographic mapping has already been collected or assembled by the project team during earlier phases of the project. A small survey budget based on 2 field survey days is included in case additional survey points are required.</p> <p>A geotechnical investigation will be performed to provide recommendations for structure foundations, earthwork and pavements. Consideration of utility conflicts and the resolution of those conflicts will be an important component of this project. Some potholing was performed under Task Order 12 but due to difficult soil conditions did not provide all of the information needed. We have assumed that 18 additional potholes will be needed to establish vertical locations of critical utilities. Potholing will be done by a private firm using a hydro-vac process.</p> <p><b>Activity 3. 80% Design</b></p> <p>80% design of the facilities identified in the supported concept plan for Camp Creek for the portion of 31st Street located between and including the intersections of Bijou Street and Chambers Way will be performed under this activity of the Task Order. Production of plans and draft specifications for the designed facilities is included in this activity. The plans will include details, notes and specifications required to bid and construct the project. Additional details regarding the proposed efforts associated with the various types of facilities that will make up the project are included below.</p> <p><b>Drainage:</b></p> <ul style="list-style-type: none"> <li>• 80% analysis and design of the drainage channel to be located in the median area of 31st Street between East Platte Avenue</li> <li>• 80% analysis and design of the proposed culvert extension in the median of 31st Street between Bijou Street and East Platte Avenue</li> <li>• 80% analysis and design of local drainage improvements for 31st Street.</li> <li>• 80% design of the trail that will be incorporated in the channel section</li> </ul> <p><b>Roadway:</b></p> <ul style="list-style-type: none"> <li>• 80% design of street improvements including curb and gutter, asphalt pavement, striping and signage</li> <li>• 80% design of intersections to transition existing cross streets to the proposed improvements in 31st Street</li> <li>• 80% design of sidewalks on both sides of 31st Street</li> <li>• 80% design of driveway transitions to connect the numerous existing driveways to the proposed street and sidewalk improvements</li> </ul> <p><b>Structures</b></p>										

Page 4 of 4	Project Code #(SA#): 19808	Project #: STU M240-153	Revised Date:	
<p>.,80% design of 1 new pedestrian bridge to replace the pedestrian bridge near Pike Drive.</p> <p>.,80% design of 3 box culvert crossings to replace the existing bridges at Fontanero, Water Street and Westmoor Drive as well as a box culvert extension of the existing Camp Creek culvert from Bijou Street to Valley Road.</p> <p><b>Utilities</b></p> <p>.,80% design of utility relocations required to resolve conflicts with the proposed drainage and roadway improvements</p> <p>.,It is assumed that design for the replacement of utilities that are not in conflict with proposed roadway and drainage improvements will be designed by the utility owners and thus is not included in this scope of work</p> <p><b>Lighting</b></p> <p>.,80% analysis and design of lighting for the corridor with customary electrical engineering and design to be provided by Colorado Springs Utilities.</p> <p><b>Landscaping</b></p> <p>.,80% design of landscape and irrigation improvements associated with the proposed drainage channel and area between the street and proposed sidewalk through the corridor</p> <p><b>Potential Phasing Plan</b></p> <p>.,The project design will be analyzed to determine logical segments for phasing based on input from the City. A plan will be produced to delineate the logical phases and provide guidance as to the design and construction issues that would need to be addressed if the project is constructed in multiple phases under separate construction contracts that are separated by significant periods of time.</p> <p>The design report will be updated to reflect the 80% design. A detailed cost estimate based on the 80% design will be produced and included in the design report. Copies of the report will be provided to the City for review and comment.</p> <p>80 percent complete plans will be produced and provided to the City for review and comment. The 80 percent plans will not reflect a phased project. Draft specifications will be provided to the City for review and comment. Preparation of 100 percent plans, specifications and engineers cost estimate will be completed with City stormwater funds that are identified and dedicated to 31st channel improvements.</p> <p><b>Activity 4. NEPA Process and Documentation for 31st Street Bridge</b></p> <p>The majority of the funding for this task order will come from Federal sources and thus the project will need to be done in conformance with the National Environmental Policy Act (NEPA). Given the nature of the project, and the fact that much of the investigation and public process that is expected to be required for the NEPA process has already been completed with the Camp Creek Drainage Improvement planning process, the required effort to comply with NEPA is expected to be relatively minor. It is expected that documentation can be done through the processing of a categorical exclusion. However, in order to accommodate the possibility that a simple environmental assessment may be required, the budget has been established around the more time intensive simple E.A.</p>				