

RESOLUTION NO. 1814

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER OF UNDERSTANDING FOR PROJECT ADMINISTRATION WITH WSDOT FOR THE SR 99 PEDESTRIAN & STORMWATER IMPROVEMENT PROJECT #112.

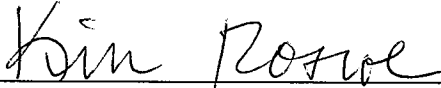
WHEREAS, as the City of Fife is not currently certified to manage a Federal Highway Administration (FHWA) federal aid project on its own, the SR 99 Pedestrian & Stormwater Improvement Project #112 must be administered under the supervision of the Washington State Department of Transportation Olympic Region Local Programs Office (Local Programs); and

WHEREAS, the attached Letter of Understanding for Project Administration (LOUPA) outlines the roles and responsibilities of WSDOT and City staff for the preliminary engineering, right-of-way acquisition and construction engineering services related to the project; and

WHEREAS, the design and right-of-way tasks have been completed and City staff has followed all necessary requirements; now therefore

BE IT RESOLVED that the Fife City Council hereby authorizes the City Manager to execute the Letter of Understanding for Project Administration with WSDOT for the SR 99 Pedestrian & Stormwater Improvement Project #112 attached hereto as Exhibit A.

ADOPTED by the City Council at an open public meeting held on the 23th day of January, 2018.



Kim Roscoe, Mayor

Attest:



Angela Woods, City Clerk



**Washington State
Department of Transportation**

Olympic Region
5720 Capitol Boulevard, Tumwater
P.O. Box 47440
Olympia, WA 98504-7440
360-357-2600 / FAX: 360-357-2601
TTY: 1-800-833-6388
www.wsdot.wa.gov

December 26, 2017

City of Fife
5411 23rd Street East
Fife, WA 98424

SR 99 Stormwater / Pedestrian Improvements & 54th Ave East Left Turn Lane
NHFP-HLP-FMSIB-0099(143)
Letter of Understanding for Project Administration (LOUPA)

Attn.: Hyun Kim
City Manager

Dear Mr. Kim

As your city (CITY) is not currently certified as having staff with the knowledge and experience to manage a Federal Highway Administration (FHWA) federal aid project, the project must be administered under the supervision of the Washington State Department of Transportation Olympic Region Local Programs Office (Local Programs).

The CITY, operating under an extension of Local Programs Certification Acceptance (CA), agrees to administer this project entirely in accordance with federal law, the Local Agency Guidelines (LAG), this Letter of Understanding (LOU), and direction as provided by the Local Programs Engineer (LPE). Failure to comply with federal law, the LAG, this LOU, or the direction of the LPE may result in loss of federal funds.

1. The STATE and the CITY have designated CA managers as shown below:

STATE	CITY
WA State Department of Transportation	City of Fife
Neal Campbell, Local Programs Engineer	Russell Blount, Public Works Director
P.O. Box 47440, Olympia, WA 98504-7440	5411 23rd Street East
5720 Capitol Blvd., Tumwater, WA 98501	Fife, WA 98424
(360) 357-2666	(253) 922-2489
campben@wsdot.wa.gov	

The CITY CA Manager is the full time CITY employee that is in responsible charge of the project. All formal submittals outlined herein, either from the STATE or the CITY, will be sent through the designated CA Manager.

2. The CITY shall obtain approval from the LPE of the consultant solicitation method, advertisement and selection process for using a consulting firm for Preliminary Engineering, Right of Way and Construction Engineering services. In addition, the CITY shall obtain concurrence of Consulting Engineering Agreements and Supplements from the LPE before execution (see LAG chapter 31).
3. Contract Plans, Specifications and Estimates (PS&E) shall be prepared in accordance with the current State of Washington Standard Specifications for Road, Bridge and Municipal Construction, amendments thereto, and adopted design standards (see LAG chapter 42 and 44). The CITY shall submit the PS&E and contract to the LPE for review to ensure compliance with the LAG.
4. Any deviation to design standards (see LAG chapter 42) must be stamped by a Professional Engineer licensed in the State of Washington. The CITY shall submit the design deviation to the LPE for further processing and approval.
5. The CITY shall be responsible for all required environmental documentation (SEPA and NEPA) and shall submit all required NEPA documentation to the LPE for further processing and approval (see LAG chapter 24). The CITY shall be responsible for obtaining all required permits and approvals.
6. No Right of Way (R/W) action shall proceed without concurrence from the WSDOT Local Agency Right of Way Coordinator. The CITY shall follow current WSDOT approved R/W Procedures as described in the LAG (see LAG chapter 25). The LPE shall be advised of all pre-R/W meetings. All acquisitions of R/W such as construction easements, donations, permits, etc. shall be certified by the CITY and the STATE.
7. The CITY shall forward the proposed advertisement for bids to the LPE for approval. Upon approval, the CITY may begin advertisement for bids (see LAG chapter 46). The CITY shall keep the LPE advised on any pre-award issues affecting the quality and timing of the contract. Any required addenda to the contract documents shall be approved by the LPE before it is issued.
8. The CITY is required to utilize a Certified Acceptance agency or qualified CITY or consultant staff for construction management services. Experience and expertise administering and managing construction projects funded by FHWA in accordance with the Standard Specifications for Road, Bridge and Municipal Construction, the WSDOT Construction Manual, and the Local Agency Guidelines must be verifiable and acceptable.

Your project that utilizes FHWA funds will require significant effort to manage and provide all of the documentation required by FHWA. Typically, the following construction staffing is needed:

- Project Manager (10 to 20 hrs / week throughout the construction phase)
- Field Engineer (20 hrs / week; 2 weeks prior to project ad to the end)
- Office Manager (10 to 20 hrs / week throughout the construction phase)
- Project Lead Inspector (50 hrs / week; 2 weeks prior to project ad to the end)

This staffing does not include materials testing technicians, materials lab services, or additional project inspectors for larger projects. One person may fill multiple roles if qualified. Adequate experienced staffing will help assure a successful federal aid project.

The CITY shall obtain approval of construction management staff, including Project Manager, Field Engineer, Office Manager and Lead Inspector, from the LPE before construction funds will be authorized.

9. The CITY shall notify the LPE of the Bid Opening date and time. The CITY shall transmit to the LPE, the Engineer's Estimate and Bid Tabulations along with the complete Bid Packages of the apparent three (3) lowest bidders. Upon approval by the LPE, the CITY may Award the Contract to the lowest responsive bidder (see LAG chapter 46).

10. Upon the CITY execution of the contract for construction, the CITY shall administer and inspect the Project in accordance with the contract documents, WSDOT Standard Specifications for Road Bridge and Municipal Construction, the WSDOT Construction Manual, the Local Agency Guidelines and all applicable State and Federal laws (see LAG chapter 52).

11. Changes to the contract will be documented by change order as defined in the current edition of the WSDOT Standard Specifications for Road, Bridge and Municipal Construction Section 1-04.4 and consistent with the WSDOT Construction Manual. The CITY shall negotiate, and document all change orders.

Written authorization (email) by the LPE of proposed change order work, except for emergency work, must be received before proceeding with the work. Any work performed before receiving said authorization may be deemed ineligible for federal participation.

Prior to obtaining the contractor's signature on any change order the CITY shall provide a copy of the change order to the LPE for review and concurrence, along with separate justification for the change and an independent estimate of price and working day impacts. A copy of all executed Change Orders shall be sent to the LPE.

12. The CITY shall schedule project inspection by Local Programs and receive Local Programs comments prior to providing the final "punch list" to the Contractor (see LAG chapter 53).

13. If required, quarterly reports shall be submitted by the CITY before the 20th of March, June, September and December until the project is complete and final bill is paid.

Signature below constitutes concurrence with this Letter of Understanding.

CITY OF FIFE

STATE OF WASHINGTON
DEPARTMENT OF TRANSPORTATION

By: _____
Hyun Kim
City Manager

By: _____
Neal Campbell, P.E.
Local Programs Engineer

Date: _____

Date: _____