

DATE: November 19, 2015

TO: Jerry Jung, Chairman
State Transportation Commission

FROM: Kirk T. Steudle
Director

SUBJECT: Waiver of Commission Approval

The projects and descriptions documented in Exhibit A, attached, require State Transportation Commission approval prior to the contracts being awarded. The approximate three week delay resulting if Commission approval were deferred to the December 10, 2015, Commission meeting could jeopardize the timeliness of the award of the contracts, as well as the performance of the project work necessary.

The projects and descriptions documented in Exhibit A-1, attached, will be let by the Michigan Department of Transportation on December 4, 2015. These projects required pre-approval as the engineers' estimates are over \$500,000. The one week delay resulting if Commission pre-approval were deferred to the next State Transportation Commission meeting on December 10, 2015, would delay the transmittal of the contract documents to the low bidders, and jeopardize the construction schedules.

The project and description documented in Exhibit A-2, attached, was let by the Michigan Department of Transportation on September 4, 2015. This project required pre-approval as the engineers' estimates were over \$500,000, however the low bidder withdrew their bid and the next lowest bid received was more than 10% over the engineers' estimates and therefore requires approval by the State Transportation Commission. The approximate three week delay resulting if Commission approval were deferred to the next State Transportation Commission meeting on December 10, 2015, would delay the transmittal of the contract documents to the low bidder, and jeopardize the construction schedule.

Thus, a waiver of the required Commission approval is requested, as provided in Commission Resolution 79-3, as amended, footnote F:

“If, in the opinion of the Director, the public interest requires that a certain contract be awarded or an agreement be executed prior to approval by the Commission, hereunder, the Director shall seek a waiver of the required approval from the Chairman of the Transportation Commission. If the request of the approval is verbal, the waiver shall be confirmed, in writing, within fourteen (14) days.”

If the waiver is granted, the Department will proceed to execute the item noted above.

Signed Original on File

Director

The request for waiver of Commission approval of the above mentioned item is approved.

Signed Original on File

November 20, 2015

Jerrold M. Jung, Chairman

Date

REQUEST FOR MICHIGAN STATE TRANSPORTATION
COMMISSION APPROVAL

CONTRACTS

November 19, 2015

The following contracts are being submitted for approval. The appropriate documents will be approved by the Attorney General and comply with all legal and fiscal requirements prior to award.

CONTRACTS

1. HIGHWAYS - Participation for State Local Bridge Construction Contract
Contract (2015-5487) between MDOT and the City of Grand Rapids will provide for funding participation in the construction of the following improvements under Section 144 of Title 23 USC and the State Local Bridge Program:

PART A

Rehabilitation work for structure B01 of 41-25-39 (#5095), which carries Turner Avenue over Indian Mill Creek, Section 13, T07N, R12W, City of Grand Rapids, Kent County, Michigan, including scour protection and maintaining traffic work.

PART B

Rehabilitation work for structure B01 of 41-23-21 (#5200), which carries Walker Avenue over Indian Mill Creek, Sections 10 and 15, T07N, R12W, City of Grand Rapids, Kent County, Michigan, including hot mix asphalt surface sealer along bridge deck and sidewalks, riprap replacement, membrane preformed waterproofing, and maintaining traffic work.

Estimated Funds:

	<u>PART A</u>	<u>PART B</u>	<u>TOTAL</u>
Federal Highway Administration Funds	\$42,600	\$115,800	\$158,400
State Restricted Trunkline Funds	\$ 0	\$ 21,700	\$ 21,700
City of Grand Rapids Funds	<u>\$10,600</u>	<u>\$ 7,200</u>	<u>\$ 17,800</u>
Total Funds	<u>\$53,200</u>	<u>\$144,700</u>	<u>\$197,900</u>

ER 41081; ST 41023 – 122216, 122809; Kent County
Letting of 11/6/2015

2. HIGHWAYS - Participation for State Local Bridge Construction Contract
Contract (2015-5490) between MDOT and the City of Niles will provide for funding participation in the construction of the following improvements under the State Local Bridge Program:

Rehabilitation work for structure R01 of 11-13-02 (#1057), which carries Grant Street over Amtrak Railroad, Section 27, T07S, R17E, City of Niles, Berrien County, Michigan, including joint replacement, bridge deck overlay, beam patching, substructure repairs, concrete surface coating, approach work, and maintaining traffic work.

Estimated Funds:

State Restricted Trunkline Funds	\$253,800
City of Niles Funds	<u>\$ 13,400</u>
Total Funds	<u>\$267,200</u>

MCS 11013 – 118614; Berrien County
Letting of 11/6/2015

3. HIGHWAYS - Participation for Local Agency Construction Contract
Contract (2015-5498) between MDOT and the Genesee County Road Commission will provide for participation in the following improvements:

Traffic signal upgrade, permanent signing, and pavement marking work at the Torrey Road and Hill Road intersection.

Estimated Funds:

Federal Highway Administration Funds	\$84,037
Genesee County Road Commission Funds	<u>\$ 9,337</u>
Total Funds	<u>\$93,374</u>

HSIP 25609 - 120344
Local Force Account

4. HIGHWAYS - Participation for State Local Bridge Construction Contract
Contract (2015-5510) between MDOT and the County of Ingham will provide for funding participation in the construction of the following improvements under the State Local Bridge Program:

Emergency beam repair work for structure R01 of 33-10-31 (#3881), which carries Marsh Road over the Grand Trunk Western Railroad, Section 10, T04N, R01W, Meridian Township, Ingham County, Michigan.

Estimated Funds:

State Restricted Trunkline Funds	\$109,102
County of Ingham Funds	<u>\$ 5,743</u>
Total Funds	<u>\$114,845</u>

MCS 33010 – 128668
Local Force Account

5. PASSENGER TRANSPORTATION - Section 5307 Program
Project Authorization (20) Revision (4) under Master Agreement (2007-0254) between MDOT and the Mass Transportation Authority (MTA), in Genesee County, will extend the authorization term by six months to provide sufficient time for MTA to complete the project. The additional time is needed because the hydrogen fuel cell bus was less expensive than planned, so MTA's federal grant will be amended to include the purchase of associated capital parts for the hydrogen fuel cell bus fleet. The original authorization provides state matching funds for MTA's FY 2009 Federal Section 5307 Urbanized Area Formula Capital Program and Congestion Mitigation and Air Quality Program grant for the purchase of a bus. The revised authorization term will be May 28, 2010, through May 27, 2016. The authorization amount remains unchanged at \$1,250,000. The term of the master agreement is from October 1, 2006, until the last obligation between the parties has been fulfilled. The master agreement includes authorizations for program years FY 2007 through FY 2011. Source of Funds: Federal Transit Administration Funds - \$1,000,000; FY 2009 State Restricted Comprehensive Transportation Funds - \$250,000.

6. PASSENGER TRANSPORTATION - Section 5310 Program
Project Authorization (18) Revision (1) under Master Agreement (2012-0033) between MDOT and the Ann Arbor Area Transportation Authority (AAATA) will reduce state matching funds by \$9,200, will add line items for expansion and replacement vans, and will adjust the funding between line items. The state funds are being reduced because AAATA moved federal funds from capital projects to operating, which the state does not match. The original authorization provides state matching funds for the FY 2013 and FY 2014 Federal Section 5310 Elderly and Persons with Disabilities Program grant for the purchase of replacement buses and for mobility management. The authorization term remains unchanged, September 25, 2015, through September 24, 2019. The revised authorization amount will be \$312,000. The term of the master agreement is from October 1, 2011, until the last obligation between the parties has been fulfilled. The master agreement includes authorizations for program years FY 2012 through FY 2016. Source of Funds: Federal Transit Administration Funds - \$249,600; FY 2014 State Restricted Comprehensive Transportation Funds - \$62,400.

7. PASSENGER TRANSPORTATION – Section 5311(f) Capital Program
Project Authorization (2) Revision (2) under Master Agreement (2012-0091) between MDOT and Greyhound Lines, Inc., will reduce federal funds by \$220,151 and state matching funds by \$108,433 due to bid prices coming in lower than the anticipated cost. The original authorization provides federal funds and state matching funds under the Agency's FY 2013 Section 5311(f) Intercity Bus Program for the purchase of motor coaches. The authorization term remains unchanged, September 12, 2013, through September 11, 2016. The revised authorization amount will be \$1,831,416. The term of the master agreement is from October 1, 2011, until the last obligation between the parties has been fulfilled. The master agreement includes authorizations for program years FY 2012 through 2016. Source of Funds: Federal Transit Administration Funds - \$1,227,049; FY 2013 State Restricted Comprehensive Transportation Funds - \$604,367.

8. PASSENGER TRANSPORTATION – Section 5311(f) Capital Program
Project Authorization (8) Revision (1) under Master Agreement (2012-0102) between MDOT and Indian Trails, Inc., will provide \$942,192 in additional federal funds and state matching funds for the purchase of four additional motor coaches for use in Michigan’s intercity bus program. The original authorization provides federal funds and state matching funds under the FY 2016 Section 5311(f) Intercity Bus Program for the purchase of six motor coaches. The authorization term remains unchanged, October 1, 2015, through September 30, 2017. The revised authorization amount will be \$3,000,192. The term of the master agreement is from October 1, 2011, until the last obligation between the parties has been fulfilled. The master agreement includes authorizations for program years FY 2012 through FY 2016. Source of Funds: Federal Transit Administration Funds - \$2,400,153; FY 2013, FY 2015, and FY 2016 State Restricted Comprehensive Transportation Funds - \$600,039.

9. PASSENGER TRANSPORTATION – Transportation to Work
Project Authorization (17) Revision (1) under Master Agreement (2012-0110) between MDOT and the Jackson Area Transportation Authority (JATA) will extend the authorization by one year. Expenses in FY 2015 were less than anticipated and, as a result, JATA is requesting additional time to continue transporting welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment. The original authorization provided state funds under the FY 2015 Transportation to Work Program for operating assistance. The revised authorization term will be October 1, 2014, through September 30, 2016. The authorization amount remains unchanged at \$400,000. The term of the master agreement is from October 1, 2011, until the last obligation between the parties has been fulfilled. The master agreement includes authorizations for program years FY 2012 through FY 2016. Source of Funds: FY 2015 State Restricted Comprehensive Transportation Funds - \$400,000.

10. PASSENGER TRANSPORTATION - Section 5310 Program
Project Authorization (16) Revision (3) under Master Agreement (2012-0129) between MDOT and the Mass Transportation Authority (MTA), in Genesee County, will provide an additional \$131 in state matching funds for the FY 2015 Federal Section 5310 Elderly and Persons with Disabilities Program for the purchase of one expansion sedan and will adjust funding between line items. MTA was awarded additional federal Section 5310 funds, which it applied to the purchase of the one expansion sedan. The original authorization provides state matching funds for MTA’s FY 2013 Federal Section 5310 Elderly and Persons with Disabilities Program grant for the purchase of one vehicle and bus equipment. The authorization term remains unchanged, September 25, 2015, through September 24, 2019. The revised authorization amount will be \$785,739. The term of the master agreement is from October 1, 2011, until the last obligation between the parties has been fulfilled. The master agreement includes authorizations for program years FY 2012 through FY 2016. Source of Funds: Federal Transit Administration Funds - \$628,591; FY 2013, FY 2014, and FY 2015 State Transportation Funds - \$157,148.

11. PASSENGER TRANSPORTATION - Transportation to Work
Project Authorization (15) Revision (1) under Master Agreement (2012-0173) between MDOT and the Twin Cities Area Transportation Authority (TCATA), in Berrien County, will extend the authorization term by one year. Expenses in FY 2015 were less than anticipated, and TCATA is requesting additional time to continue transporting welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment. The original authorization provided state funds under the FY 2015 Transportation to Work Program for operating assistance. The revised authorization term will be from October 1, 2014, through September 30, 2016. The authorization amount remains unchanged at \$386,040. The term of the master agreement is October 1, 2011, until the last obligation between the parties has been fulfilled. The master agreement includes authorizations for program years FY 2012 through FY 2016. Source of Funds: FY 2015 State Restricted Comprehensive Transportation Funds - \$386,040.

12. RAIL - Section 5309 Program
Project Authorization (11) Revision (2) under Master Agreement (2012-0170) between MDOT and the Suburban Mobility Authority for Regional Transportation (SMART) will increase state matching funds by \$6,400 and will reduce local matching funds by \$6,400. The original authorization provides state matching funds for SMART's FY 2010 Federal Section 5309 Capital Discretionary Program grant for transit access and amenities at the Troy-Birmingham Intermodal Center. The authorization term remains unchanged, September 26, 2012, through September 25, 2017. The authorization amount remains unchanged at \$1,625,000. The term of the master agreement is from October 1, 2012, until the last obligation between the parties has been fulfilled. The master agreement includes authorizations for program years FY 2012 through FY 2016. Source of Funds: Federal Transit Administration Funds-\$1,300,000; FY 2003 and FY 2016 State Restricted Comprehensive Transportation Funds - \$325,000.

13. *RAIL - Increase Loan Amount
Amendatory Contract (2013-0318/A2) between MDOT and Brink Farms, Inc., will increase the loan amount by \$1,041 to reflect the actual eligible project costs. The project amount will increase by \$2,082. The original contract provides financial assistance in the form of a loan from MDOT to Brink Farms, Inc., for the rehabilitation of a rail yard for transloading purposes in the City of Walker, Kent County. The contract term remains unchanged, from March 14, 2014, until the last obligation between the parties has been fulfilled, until the contract is terminated, or until the loan has been fully repaid. The revised project cost will be \$1,455,022. The revised loan amount will be \$727,511, 50 percent of the project cost. Provisions included in the contract permit the loan to be forgiven incrementally over a five-year period based on the number of carloads of freight shipped from and/or received at the facility via rail. Brink Farms, Inc., commits to shipping and/or receiving a minimum of 600 carloads of freight from/at the facility via rail annually. Source of Funds: FY 2013, FY 2015, and FY 2016. State Restricted Comprehensive Transportation Funds - \$727,511; Brink Farms, Inc., Funds - \$727,511.

14. *RAIL – Commuter Car Refurbishment and Lease
Contract (2016-0003) between MDOT and Great Lakes Central Railroad, Inc., will provide for the management of 23 refurbished commuter rail cars and the potential lease of those rail cars beginning on October 1, 2019. The contract will be in effect from October 1, 2015, through September 30, 2019. This is a zero dollar contract.

Upon receipt of your approval, the contracts and agreements will be processed for award. Subject to the exercise of the discretion in the processing, I approve the contracts described in this agenda and authorize the award by the responsible management staff of MDOT to the extent authorized by and in accordance with the December 14, 1983, resolution of the State Transportation Commission and the Director's delegation memorandum of August 25, 2015.

Respectfully submitted,

Signed Original on File

Kirk T. Steudle
Director

REQUEST FOR MICHIGAN STATE TRANSPORTATION
COMMISSION APPROVAL

November 19, 2015

The following contracts are being submitted for approval. The appropriate documents will be approved by the Attorney General and comply with all legal and fiscal requirements prior to award.

CONTRACT

1. PASSENGER TRANSPORTATION - Marine Capital

Project Authorization (3) Revision (2) under Master Agreement (2012-0077) between MDOT and the Eastern Upper Peninsula Transportation Authority (EUPTA), in Chippewa County, will add a line item for planning and will move funding between line items. Another project authorization provided funding for the planning project; however, sufficient funds were not available from that authorization. As a result, EUPTA is requesting approval to use funds from this authorization to complete the planning project. The original authorization provides 90 percent state marine capital funds for vessel system upgrades to the St. Mary's River Ferry System, which provides marine passenger service between Sault Ste. Marie and Sugar Island, Barbeau and Neebish Island, and DeTour and Drummond Island. The authorization term remains unchanged, March 26, 2012, through March 25, 2016. The authorization amount remains unchanged at \$222,222. The term of the master agreement is from October 1, 2011, until the last obligation between the parties has been fulfilled. The master agreement includes authorizations for program years FY 2012 through FY 2016. Source of Funds: FY 2012 State Restricted Comprehensive Transportation Funds - \$200,000; EUPTA Funds - \$22,222.

Upon receipt of your approval, the contracts and agreements will be processed for award. Subject to the exercise of the discretion in the processing, I approve the contracts described in this agenda and authorize the award by the responsible management staff of MDOT to the extent authorized by and in accordance with the December 14, 1983, resolution of the State Transportation Commission and the Director's delegation memorandum of August 25, 2015.

Respectfully submitted,

Signed Original on File

Kirk T. Steudle
Director

7. Letting of December 4, 2015 Prequalification Level:
Letting Call: 1512 019 **\$8,211,000.00**
Project: NH 41131-110807, ETC
Local Agreement: 15-5518
Start Date: 10 days after award
Completion Date: October 31, 2018

2.26 mi of concrete weave/merge lane, full-depth pavement repairs, hot mix asphalt cold milling and resurfacing, curb and gutter, barrier and glare screen, guardrail, fence, and deck replacement on two structures on US-131 southbound from Pearl Street northerly to Ann Street and over Richmond Street, over Mill Creek/Grand Rapids Eastern Railroad, and over Ann Street in the city of Grand Rapids, Kent County. This project includes a 5 year materials and workmanship pavement warranty and a 2 year warranty on concrete surface coating.

6.00 % DBE participation required

8. Letting of December 4, 2015 Prequalification Level:
Letting Call: 1512 021 **\$903,000.00**
Project: NH 27021-126906
Local Agreement:
Start Date: 10 days after award
Completion Date: August 5, 2016

3.95 mi of overband crack fill, cape seal, aggregate shoulders and pavement markings on US-2 from Wilson Street to west of North Hillcrest Avenue in the cities of Ironwood and Bessemer, Gogebic County. This project includes a 2 year pavement performance warranty.

0.00 % DBE participation required

9. Letting of December 4, 2015 Prequalification Level:
Letting Call: 1512 022 **\$2,775,000.00**
Project: ST 18021-115905
Local Agreement:
Start Date: February 8, 2016
Completion Date: September 23, 2016

Bridge replacement and approach work on US-10 over Chippewa Creek, Clare County. This project includes a 5 year materials and workmanship pavement warranty.

5.00 % DBE participation required

10. Letting of December 4, 2015 Prequalification Level:
Letting Call: 1512 023 **\$2,105,000.00**
Project: NH 59042-115209, ETC
Local Agreement:
Start Date: August 8, 2016
Completion Date: June 1, 2017

2.42 mi of hot mix asphalt cold milling and resurfacing with widening for center left turn lane, culvert, and curb and gutter on M-46 from east of US-131 NB off-ramp to east of Edgar Road, Montcalm County. This project includes a 3 year and a 5 year materials and workmanship pavement warranty.

5.00 % DBE participation required

35. Letting of December 4, 2015
Letting Call: 1512 011
Project: STUL 34470-126247
Local Agreement: 15-5478
Start Date: 10 days after award
Completion Date: August 26, 2016

Prequalification Level:
\$727,000.00

0.61 mi of hot mix asphalt cold milling and resurfacing, concrete curb, drainage, tree removal, sanitary sewer, sidewalk, and ADA ramps on Kent Street from the south city limits of Portland to Academy Street in the city of Portland, Ionia County.

3.00 % DBE participation required

36. Letting of December 4, 2015
Letting Call: 1512 018
Project: CMG 39405-119152
Local Agreement: 15-5486
Start Date: 10 days after award
Completion Date: July 29, 2016

Prequalification Level:
\$520,000.00

4.10 mi of hot mix asphalt paving, concrete curb, gutter, sidewalk and ramps, drainage, signal interconnect, and signal modernization on Kilgore Road from Woodmont Drive/Burdick Street to Lovers Lane and from Lovers Lane to East Centre Avenue, Kalamazoo County.

0.00 % DBE participation required

On receipt of your approval, projects will, at the Director's discretion, be processed and awarded to the low bidder. I approve the projects described in this agenda and authorize the award by the responsible management staff of MDOT to the extent authorized by and in accordance with the December 14, 1983, resolution of the State Transportation Commission and the Director's delegation memorandum of August 25, 2015.

Respectfully submitted,

Signed Original on File

Kirk T. Steudle
Director

