



Agenda Item Number: 2009-5-6E

## BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

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**Meeting Date:** May 12, 2009

**Department:** Technical Services **Staff Contact:** Tom Zdunek, DCM for Public Works  
Roger A. Paul, P.E., Technical Services Director  
Brad Catanach, P.E., Engineering Manager  
Lisa Manwill, P.E., Project Engineer

**TITLE:** NMDOT Cooperative Project Agreement for Eubank Boulevard Improvements Project from San Antonio Drive to Paseo Del Norte NE

**ACTION:** Motion to:

1. Authorize the County Manager to execute the Cooperative Project Agreement (Project Control No. L3710) between the New Mexico Department of Transportation (NMDOT) and the County for the Eubank Boulevard Improvements Project from San Antonio Drive NE, to Paseo del Norte NE.
2. Approve Administrative Resolution AR -2009 supporting the Eubank Boulevard Improvements Project and authorizing the County Manager to execute contract amendments and other agreements with the New Mexico Department of Transportation on behalf of the Board with respect to the Eubank Boulevard Improvements Project.

### **SUMMARY:**

The Eubank Boulevard Improvements Project from San Antonio Drive NE, to Paseo del Norte NE, will reconstruct the existing two-lane road to a four-lane road. Construction includes frontage roads, bicycle lanes, storm drainage infrastructure, equestrian, bicycle trails, sidewalks, traffic and signalization from San Antonio Drive NE, to Paseo del Norte NE. The project includes the procurement of approximately twenty-six (26) acres of private property for the construction of the project.

The project is currently in design with scheduled completion of this phase to be December, 2009. Staff anticipates beginning construction in the spring of 2010. In order to facilitate the project's anticipated construction schedule, purchase of the needed rights-of-way must be complete prior to bidding for construction. NMDOT has advised the County not to procure right-of-way until the Cooperative Project Agreement is executed in order to utilize funds used for purchase as match for the Federal funding.

NMDOT has provided a draft of the Cooperative Project Agreement; however, some minor corrections are required. Staff requests the Board authorize the County Manager to execute the final draft of the agreement, upon return by NMDOT in substantive conformance with this draft.

The agreement provides a vehicle for the construction of the Eubank Improvements Project in 2010. Because the Federal Funding for the project is spread out between 2010 and 2013, the agreement allows for advanced construction of the project. In order to go to construction in 2010,

the County will budget the Federal Funding in FY2010. Under this agreement, the County would be reimbursed during the future fiscal years in which the Federal Funding becomes available (i.e., 2011, 2012 and 2013). Under the normal process, the County would not be able to go to construction until 2013. The risk to the County is, should the National Highway Bill or a continuing resolution not be reauthorized by Congress, the reimbursement may not be forthcoming. The total project agreement with NMDOT is for \$22,347,846 with the County's required match being \$3,253,846.

The project will be funded through County/local and Federal funds as indicated below:

<b>Funding Source</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>4 Year Totals</b>
<b>STP-U *</b>	\$8,331,275	\$318,275	\$7,900,000	\$2,544,450	\$19,094,000
<b>Local Match</b>	\$1,419,749	\$ 54,238	\$1,346,254	\$ 433,605	\$ 3,253,846
<b>TOTALS</b>	\$9,751,024	\$372,513	\$9,246,254	\$2,978,055	\$22,347,846

\* *Surface Transportation Program – Urban (STP-U)*

The Cooperative Project Agreement requires that the County adopt a written resolution of support for the project. As such, staff requests Board approval of the resolution. Staff further requests that the County Manager be authorized, via the Administrative Resolution, to execute any amendments (if necessary) or other agreements with the New Mexico Department of Transportation (NMDOT) with respect to the Eubank Boulevard Improvements Project.

Upon these actions, this agreement will be forwarded to the NMDOT Transportation Commission for approval. Once the agreement is executed, the County will be able to proceed with the purchase of the necessary rights-of-way for the project.

**ATTACHMENTS:**

1. Location Map
2. Draft Cooperative Project Agreement (1)
3. Administrative Agreement **AR -2009**

**FISCAL IMPACT**

Agenda items are requesting that the Board authorize the County Manager to execute the Cooperative Project Agreement between the NMDOT and the County for the Eubank Boulevard Improvements Project from San Antonio Drive, NE, to Paseo del Norte, NE. The County's local match funding portion for the Project (\$3,253,846) has been created and budgeted for within the Technical Services Department and the County's Automated Financial, Grant and Project Management systems as follows:

The SAP Fund Centers are:

- TS.2006.EUBANK – 13001-588901;
- TS.2006.EUBANK – 13001-588902;
- TS.2006.EUBANK – 13001-588951;
- LAP.2006.EUBANK\_ROA – 12901-586096;
- LAP.2008.EUBANK\_BLV – 12901-586096; and,
- LAP.2009.EUBANK\_BLV – 12901-565010

# STAFF ANALYSIS SUMMARY

## COUNTY MANAGER

The Eubank reconstruction project is the County's number one road project and the proposed action is a critical component to this project. I recommend Board approval. 5/6/09

## DEPUTY COUNTY MANAGER

Eubank Blvd reconstruction is the number 1 Public Works road project. By approval of this resolution, Public Works can maintain a planned completion date of late 2010/early 2011. Within the agreement, the County is liable for the loaned monies, should funding not be received from the Federal Government through the NMDOT. However, staff will monitor funding and will have the ability to delay the schedule should this be required. I recommend approval. TZ  
4/27/2009

## LEGAL

A cooperative agreement is required before the County can receive federal funds for this project. PFT 4/16/2009

## FINANCE

- |                        |  |
|------------------------|--|
| <b>Budget</b>          | Approval would authorize the County Manager to execute a Cooperative Project Agreement between NMDOT and the County for the Eubank Boulevard Improvements Project from San Antonio Drive, NE, to Paseo del Norte, NE. If the national bill does not get reauthorized Bernalillo County will be required to absorb the entire cost of the project. Stephanie Manzanares, Financial Service Administrator II, 4/13/09. |
| <b>Purchasing</b>      | No comment required. Phillip Lee, Purchasing Administrator, 4/9/2009.  |
| <b>Contracts</b>       | Purchasing has issued Contract Control Number (CCN) 2009-0222 contingent upon Commission approval. Phillip Lee, Purchasing Administrator, 4/9/2009   |
| <b>Risk Management</b> | No provision of this Agreement establishes any waiver of immunity from liability for alleged tortuous conduct of any employee of the Department or the County arising from the performance of this Agreement apart from that set forth in the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1, et seg. David A. Baca, Risk Management Director, 4/17/09  |