



Pinellas County

Staff Report

File #: 21-1708A, **Version:** 1

Subject:

Utility Work by Highway Contractor Agreement and Three-Party Escrow Agreement with the Florida Department of Transportation for the State Road 55/U.S. 19 project, from Northside Drive to County Road 95.

Recommended Action:

Approval of the Utility Work by Highway Contractor Agreement and Three-Party Escrow Agreement with the Florida Department of Transportation (FDOT) for the State Road 55/U.S. 19 project, from Northside Drive to County Road 95.

- Agreement includes work for relocation of underground water transmission and distribution infrastructure to accommodate roadway and drainage improvements by FDOT within their US 19 right-of-way.
- County's anticipated total project cost for utility work is \$6,432,525.00 with a not-to-exceed amount of \$7,075,777.50, including contingencies.
- An escrow agreement is established for payment by FDOT to the contractor for the County's utility relocation work, separate from their construction contract. An amount of \$6,432,525.00 will be placed in escrow by the County no later than fourteen (14) days prior to FDOT bid advertisement for the anticipated total cost of construction.
- The County is seeking approval for FDOT's contractor to complete the utility work while performing the state project based on cost and efficiency savings.
- Planned date for FDOT's contractor to begin construction is September 2022.
- These agreements are effective upon full execution and will remain in effect until project completion.

County PID No. 001523A and FDOT Financial Project ID No. 256774-3-56-02 for an amount not-to-exceed \$7,075,777.50; Authorize the Chairman to sign and the Clerk of the Circuit Court to attest.

Strategic Plan:

Foster Continual Economic Growth and Vitality

4.4 Invest in infrastructure to meet current and future needs

Deliver First Class Services to the Public and Our Customers

5.3 Ensure effective and efficient delivery of county services and support

Summary:

The purpose of this UWHCA is the relocation of underground water transmission and distribution, reclaimed water, and sanitary sewer infrastructure in conjunction with roadway and drainage improvements by the FDOT, along US 19 from Northside Drive to County Road 95. The purpose of the Three-Party Escrow Agreement is to establish an escrow account for payment by FDOT to the

contractor for the County's utility relocation work. The planned time for FDOT's contractor to begin construction work is September 2022. The agreement is effective upon full execution and will remain in effect until project completion, which is expected to be completed within five (5) years.

Background Information:

The County requested to participate in FDOT's UWHCA in March 2013, which provides the ability for the County and FDOT to utilize the same contractor for construction of this project. As such, this Agreement will result in cost savings and efficiencies to both the County and FDOT by reducing the costs for mobilization, maintenance of traffic, site restoration, and project administration as one contractor will be performing all work at the same time.

County Resolution No. 06-70 prohibits the County from indemnifying others under most circumstances. The FDOT has standard boilerplate language they cannot modify, which requires the County to indemnify FDOT to the extent provided by law. Staff and the County Attorney's Office agree that the indemnification requirement is within an acceptable level of risk.

Fiscal Impact:

The initial FDOT project cost estimate for utility work is \$5,593,500.00. The Agreement requires a five percent (5%) administrative fee for mobilization of equipment and maintenance of traffic (MOT), and ten percent (10%) for contingency to address unforeseen circumstances during construction activities totaling \$839,025.00. Thus, the estimated official total project cost for utility work is \$6,432,525.00. At least fourteen (14) calendar days prior to the date FDOT advertises the Project, the County will pay FDOT in escrow an amount equal to \$6,432,525.00.

Furthermore, the estimated expenditure not-to-exceed amount for utility work is \$7,075,777.50. This amount is based on the potential lowest responsive, responsible bid exceeding the official FDOT estimate by up to ten percent (10%), or \$643,252.50. If the contractor low bid selected by FDOT exceeds \$6,432,525.00, by greater than ten (10%), FDOT may elect not to participate in the cost of the utility work, by terms of the Agreement.

FDOT initial cost estimate:	\$5,593,500.00
MOT (5%) and Contingency (10%):	\$ 839,025.00
FDOT estimated total project cost:	\$6,432,525.00
Potential for bids exceeding initial cost estimate (10%) \$	643,252.50
Estimated expenditure not-to-exceed:	\$7,075,777.50

Funding is derived from the Water and Sewer Renewal and Replacement Funds. This Agreement amount was anticipated and included as part of the Approved FY 2022 - FY2027 CIP Budget.

Staff Member Responsible:

Megan Ross, Director, Utilities

Partners:

FDOT

Attachments:

Utility Work by Highway Contractor Agreement

Three Party Escrow Agreement

FDOT Cost Estimate

Wire Transfer Instructions

FDOT Indemnification email

Resolution 06-70

Project Location Map