



Legislation Details (With Text)

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**Title:** Approve the award of Change Order #2 to Contract 16-135, North Aurora Road Underpass Design (CIP BR005), to TranSystems, Inc. for a change in scope that will not change the previously approved total award of \$2,023,898.35

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Task 1 - Jorgenson Scope Adjustment Letter BR005, 2. Task 2- Wang Engineering Scope Adjustment BR005

Date	Ver.	Action By	Action	Result
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**CITY MANAGER AUTHORITY PROCUREMENT AWARDS**

**ACTION REQUESTED:**

Approve the award of Change Order #2 to Contract 16-135, North Aurora Road Underpass Design (CIP BR005), to TranSystems, Inc. for a change in scope that will not change the previously approved total award of \$2,023,898.35

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** William J. Novack, Director

**BACKGROUND:**

The North Aurora Road Underpass at the Wisconsin Central/CN Railroad Improvement project (CIP# BR005) is a joint effort between the Cities of Naperville, Aurora and Naperville Township. The scope of the project includes constructing a new bridge structure that will accommodate two through traffic lanes in each direction and left turn lanes into adjacent properties; provide sidewalk and bicycle facilities; add streetlighting, and correct existing flooding issues.

Construction of the project is expected to begin in 2021 at an estimated cost of approximately \$28 million. The Illinois Commerce Commission will contribute \$12 million from the Crossing Safety Improvement Program. Another \$9.8 million in federal funding is pending final approval from the Chicago Metropolitan Agency for Planning's Shared Fund program. The balance of the construction costs will be split amongst the three local agencies and the railroad.

In December 2016, City Council awarded Contract 16-135 to perform design engineering services for the improvements to the North Aurora Road Underpass at the CN/Wisconsin Central Railroad to TranSystems Corporation. The consultant is working with staff to complete the improvement plans, coordinate with various utilities, secure permits, and provide land acquisition services for properties

adjacent to the project.

In September 2019, City Council approved the first change order to the design contract in the amount of \$57,372. This change order was needed to collect additional topographic survey data and prepare the legal documents and easement required by the CN Railroad. With this change order, the total value of the Transystems contract is not to exceed \$2,023,898.35.

### **DISCUSSION:**

As the design has progressed, the need for additional design work related to the interconnecting track with the BNSF railroad, associated easement, and profile adjustments due to a conflict with the Enbridge pipeline has developed. The cost of this additional work will exceed the threshold established in the intergovernmental agreement between Naperville, Aurora, and Naperville Township for a formal amendment. Staff is currently working on a draft amendment to the intergovernmental agreement that will be submitted to our project partners and City Council's consideration in March of 2021. A change order request for the additional design work will be submitted concurrently with this amendment.

Construction of the Underpass project is currently scheduled for a January 2022 bid opening. There is still significant design work and agreements needed to stay on this schedule. Should the project letting experience significant delay, some or all of the approximately \$20 million in state and federal funding for this project could be reallocated to other regional projects.

To help keep the project on schedule while the amendment to the intergovernmental agreement is in process, our consultant would like to advance two of the tasks included in the scope of the future change order. These tasks would be swapped with other work included in the existing contract so that no additional costs are incurred to accommodate this interim adjustment. The existing, not to exceed amount, of the contract will not increase with this scope modification.

The attached draft letters outline each of the proposed scope modifications for two of the subconsultants (Wang Engineering and Jorgenson and Associates) working for TranSystems. The content of these letters is summarized below:

- Task 1 - Allow Wang Engineering to proceed with the additional permitting and coordination needed with the BNSF railroad to obtain soil borings needed for the design of an unanticipated retaining wall along the interconnecting track.
- Task 2 - Allow Jorgenson and Associates to proceed with the preparation of the plat and legal description needed for the plat and legal description covering the area of work on the BNSF track.

The BNSF railroad has indicated that they will not review the engineering plans without the associated plat as it would be viewed as an incomplete submittal. Staff supports these interim changes to avoid any unnecessary delay in the review process. Approval of this change order and authority to sign the attached letters is requested.

### **FISCAL IMPACT:**

CIP #: BR005 - North Aurora Road Underpass

The proposed change order would modify the project scope only with no adjustment in the existing

contract value. A future change order with additional scope and costs will be submitted in March 2021 along with an amendment to the intergovernmental agreement with Aurora and Naperville Township for City Council consideration.