

ORDINANCE #69165
Board Bill No. 39

An Ordinance, recommended by the Board of Public Service of the City of St. Louis (the "Board of Public Service"), establishing a public works and improvement project for the Kingshighway Boulevard Bridge over the Union Pacific Railroad involving the reconstruction of the bridge and associated roadway improvements on Kingshighway Boulevard from Interstate 44 to Vandeventer Avenue, and the relocation and improvements of Shaw Avenue in the vicinity of Kingshighway Boulevard (the "Kingshighway Bridge Reconstruction Over Union Pacific Project"); and authorizing and directing the City of St. Louis (the "City"), by and through its Board of Public Service, to let contracts and provide for Property Acquisition and Construction of the Kingshighway Bridge Reconstruction Over Union Pacific Project; authorizing the Board of Public Service to employ labor and consultants, pay salaries, fees and wages, acquire any and all said real and personal property rights and interests, in whole or in part, including easements (by lease, purchase, eminent domain, condemnation, or otherwise), as necessary for completion of the Kingshighway Bridge Reconstruction Over Union Pacific Project, and to enter into supplemental agreements with the Missouri Highway and Transportation Commission, Federal Highway Administration, utilities, railroads, and other governmental agencies for the Kingshighway Bridge Reconstruction Over Union Pacific Project all in accordance with the federal Transportation Equity Act for the 21st Century (23 U.S.C. 110, et seq.), with any contract containing sections for: description of the work, material guarantees, estimated expenditure allocations, fund reversion authorization, applicable federal and state wage rate requirements, equal opportunity provisions, the Mayor's Executive Orders, and contract advertising statutes; requiring that all work provided for herein shall be carried out in accordance with detailed plans and specifications adopted and approved by the Board of Public Service before bids are advertised therefor; directing that all construction contracts let by authority of this Ordinance provide for federal and state prevailing wage requirements including prevailing wage holiday and overtime pay and compliance with all applicable statutes of the State of Missouri, the City Charter and the Revised Code of the City, as amended; requiring all specifications approved by the Board of Public Service and contracts let by authority of this Ordinance provide for: compliance with the Mayor's Executive Orders on Equal Opportunity and maximum MBE/WBE/DBE utilization goals, except when superseded or prohibited by federal or state law or regulation; contractor's compliance with the provisions of Sections 285.525 thru 285.555 of the Revised Statutes of Missouri, as amended, by requiring enrollment and participation in a federal work authorization program and no knowing employment of unauthorized aliens; contractor's compliance with the provisions of Section 292.675 of the Revised Statutes of Missouri, as amended, by providing a ten-hour Occupational Safety and Health Administration construction safety program for their on-site employees; contractor's compliance with the provisions of Section 34.057 of the Revised Statutes of Missouri, as amended, (Prompt Payment/Retainage), as applicable; requiring all advertisements for bids pursuant to this Ordinance be subject to the provisions of Section 8.250 of the Revised Statutes of Missouri, as amended; and appropriating Eighteen Million, Five Hundred Thousand Dollars (\$18,500,000.00), in addition to Three Million, Five Hundred Thousand Dollars (\$3,500,000.00) previously authorized by Ordinance 68839, for the Kingshighway Bridge Reconstruction Over Union Pacific Project from various sources including the Federal Highway Administration Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the Union Pacific Railroad Company; authorizing and directing the Comptroller of the City to draw warrants from time to time and disburse funds appropriated by this ordinance and to receive and disburse grant funds in accordance with the Transportation Equity Act of the 21st Century (23 U.S.C. 110, et seq.) upon the signature and certification of vouchers by the President of the Board of Public Service; authorizing the Board of Public Service to accept on behalf of the City monetary donations from other governmental agencies and others to assist in paying for the work authorized in this Ordinance; and containing a public work emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. There is hereby authorized a public works and improvement project for the Kingshighway Boulevard Bridge over the Union Pacific Railroad involving the reconstruction of the bridge and associated roadway improvements on Kingshighway Boulevard from Interstate 44 to Vandeventer Avenue, and the relocation and improvements of Shaw Avenue in the vicinity of Kingshighway Boulevard (the "Kingshighway Bridge Reconstruction Over Union Pacific Project").

SECTION TWO. The City of St. Louis (the "City"), by and through its Board of Public Service (the "Board of Public Service"), is hereby authorized and directed to let contracts and provide for Property Acquisition and Construction of the Kingshighway Bridge Reconstruction Over Union Pacific Project, to employ labor and consultants, pay salaries, fees and wages, acquire any and all said real and personal property rights or interests, in whole or in part, including easements (by lease, purchase, eminent domain, condemnation, or otherwise) as necessary for the completion of the Kingshighway Bridge Reconstruction Over Union Pacific Project, to enter into supplemental agreements with the Missouri Highway and Transportation Commission, Federal Highway Administration, utilities, railroads, and other governmental agencies, all in accordance with the federal Transportation Equity Act for the 21st Century (23 U.S.C. 110, et seq.), with any contracts containing sections for: description of the work, material guarantees, estimated expenditure allocations, fund reversion authorization, applicable federal and state wage rate requirements, equal opportunity provisions, the Mayor's Executive Orders, and contract advertising statutes.

SECTION THREE. The work provided for herein shall be carried out in accordance with detailed plans and specifications to be adopted and approved by the Board of Public Service before bids are advertised therefor.

SECTION FOUR. All construction contracts let under authority of this Ordinance shall provide that no less than the prevailing hourly rate of wages in the City, as determined in accordance with the Federal Davis-Bacon Act and by the Department of Labor and Industrial Relations of the State of Missouri (Sections 290.210 through 290.340 RSMo. 2000, as amended,) for each craft or type of work needed in the actual labor on the jobs herein authorized, as well as the general prevailing rate of pay for legal holidays and overtime work shall be paid to all workers on the Kingshighway Bridge Reconstruction Over Union Pacific Project. All contracts let in connection with the construction provided for herein shall be subject to, and in conformance with all applicable statutes of the State of Missouri and the City Charter and Revised Code of the City, as amended. All contracts let in connection with the construction provided for herein shall require contractor's enrollment and participation in a federal work authorization program and an affirmation that contractor does not knowingly employ unauthorized alien employees pursuant to Sections 285.525 thru 285.555 of the Revised Statutes of Missouri, as amended, require contractor provide a ten-hour Occupational Safety and Health Administration construction safety program for their on-site employees as required by the provisions of Section 292.675 of the Revised Statutes of Missouri, as amended, and, as applicable, require the contractor(s) to comply with the provisions of Section 34.057 of the Revised Statutes of Missouri, as amended (Prompt Payment/Retainage).

SECTION FIVE. All specifications approved by the Board of Public Service and contracts let under the authority of this Ordinance shall provide for compliance with the Mayor's Executive Orders on Equal Opportunity and maximum MBE/WBE/DBE utilization goals, except when otherwise superseded or prohibited by federal or state law or regulation.

SECTION SIX. All advertisement for bids pursuant to this Ordinance shall be subject to Section 8.250 of the Revised Statutes of Missouri, as amended.

SECTION SEVEN. The total estimated cost of the Planning, Engineering Design, and Property Acquisition for the Kingshighway Bridge Reconstruction Over Union Pacific Project is Twenty-two Million Dollars (\$22,000,000.00). Ordinance 68839 addresses the initial Three Million, Five Hundred Thousand Dollars (\$3,500,000.00) for Planning, Engineering Design, and the First Phase of Property Acquisition. This Ordinance addresses the remaining Eighteen Million, Five Hundred Thousand Dollars (\$18,500,000.00) for the Second Phase of Property Acquisition and Construction, of which the federal share is Fourteen Million, Eight Hundred Thousand Dollars (\$14,800,000.00) from the Federal Highway Administration Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) to be appropriated from the Federal Aid to Urban Program Match Share Fund, also known as the Federal Aid to Urban Program Revolving Fund, established by Ordinance 56931, and the remaining local match share is Three Million, Seven Hundred Thousand Dollars (\$3,700,000.00) to be provided by the Union Pacific Railroad Company through the execution of a Cooperative Agreement. Said improvements shall be contracted and executed in parts as funds are accrued in this Match Share Fund and are adequate to pay the City's share of the cost.

SECTION EIGHT. The Comptroller of the City is hereby authorized and directed to draw warrants from time to time and disburse funds appropriated by this ordinance and is further authorized and directed to receive and disburse grant funds in accordance with the Transportation Equity Act of the 21st Century (23 U.S.C. 110, et seq.), upon the signature and certification of vouchers by the President of the Board of Public Service. Reimbursement funds received shall be deposited into the Federal Aid to Urban Program Match Share Fund Ordinance 56931.

SECTION NINE. The Board of Public Service is hereby authorized to accept on behalf of the City monetary donations from other governmental agencies and others to assist in paying for the work authorized in this Ordinance. Funds received shall be deposited into the Kingshighway Bridge Reconstruction Over Union Pacific Project or the Federal Aid to Urban Program Match Share Fund, also known as the Federal Aid to Urban Program Revolving Fund, established by Ordinance 56931.

SECTION TEN. This being an ordinance providing for public work and improvements, it is hereby declared to be an emergency measure as defined in Article IV, Sections 19 and 20 of the City Charter and shall become effective immediately upon its passage and approval by the Mayor of the City.

Approved: June 5, 2012