



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** RS2021-750, **Version:** 1

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A resolution approving Amendment 1 to an Agreement between the State of Tennessee, Department of Transportation, and the Metropolitan Government of Nashville & Davidson County, through the Department of Public Works, for the acceptance of work in connection with the construction of a Complete Street project on Gallatin Pike from Alta Loma Road to Liberty Lane; Fed. Project No. STP-M-NH-6(120), State Project No. 19LPM-F3-147, PIN 123838.00. (Proposal No. 2021M-002AG-001)

WHEREAS, RS2017-635 approved Agreement No. 160174, between the Tennessee Department of Transportation ("TDOT") and the Metropolitan Government of Nashville and Davidson County ("Metro"), through the Metropolitan Nashville Public Works Department, for the acceptance of work in connection with the construction of a Complete Street project on Gallatin Pike from Alta Loma Road to Liberty Lane; and,

WHEREAS, pursuant to Amendment 1, TDOT will replace in its entirety, the language of Agreement No. 160174 dated April 18, 2017 with the language of the Amendment 1, attached hereto as Exhibit A; and,

WHEREAS, Amendment 1 provides new language in accordance with applicable law and policy including Tennessee Code Annotated Sections 12-3-102, 12-4-107 and 54-5-109, allowing Metro to use TDOT's Local Programs procured On-Call Consultants for the provision of engineering and design related services or right-of-way acquisition services which will expedite the procurement of needed consultants, expedite the overall project timeline, and streamlines payment of the local match to TDOT; and,

WHEREAS, Amendment 1 increases the estimated cost of the project from \$4,652,800 to \$7,060,000 of which 80% is funded by the federal government and 20% is funded locally, subject to the availability of funding from Metro, to cover more defined levels of project design, right-of-way and construction impacts within the Gallatin Pike (SR 6) project limits as a result of the completed NEPA works; and,

WHEREAS, Tennessee Code Annotated Section 12-9-104(a)(2)(b) authorizes The Metropolitan Government of Nashville & Davidson County to enter into intergovernmental agreements with the State of Tennessee by resolution; and,

WHEREAS, it is in the best interest of The Metropolitan Government of Nashville & Davidson County that this intergovernmental agreement be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That the Amendment 1 to the Agreement with TDOT, attached hereto as Exhibit A, and incorporated herein by reference, is hereby approved, and that the Metropolitan Mayor is authorized to execute the same.

Section 2. That the Metropolitan Government of Nashville and Davidson County's participation is subject to the availability of funds as determined by the Department of Finance.

Section 3. Any amendments, renewals, or extension of the terms of the agreement may be approved by resolution of the Metropolitan Council.

Section 4. That this resolution shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville & Davidson County requiring it.

#### Analysis

This resolution approves an amendment to an intergovernmental agreement between the Tennessee Department of Transportation (TDOT) and Metro Public Works for the acceptance of work in connection with the construction of a Complete Street project on Gallatin Pike from Alta Loma Road to Liberty Lane. The original agreement was approved by Resolution No. RS2017-635.

This amendment replaces the agreement in its entirety to add language referencing applicable law and policy to allow, but not require, Metro to use TDOT's Local Programs procured On-Call Consultants for the provision of engineering and design related service or right-of-way acquisition services. This amendment also extends the completion date of the original agreement until July 31, 2023. Exhibit A is also being updated to reflect a \$2,407,200 increase in the project cost, which will increase Metro's 20% local match to \$1,412,000. The total project cost is now estimated to be \$7,060,000. TDOT's letter regarding the cost increase indicates that it is "due to a more detailed project design yielding more defined impacts to future right-of-way easements and construction."

State law allows intergovernmental agreements between governmental entities to be approved by resolution. (Tenn. Code Ann. §12-9-104(a)). This amendment has been approved by the Planning Commission.

*Fiscal Note: The total cost of the project is now estimated to be \$7,060,000. \$5,648,000 (80%) of this amount would be paid by the Tennessee Department of Transportation (TDOT). The remaining \$1,412,000 (20%) would be paid by Metro.*