

ORDINANCE #68452
Board Bill No. 184

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 removal of the North Tucker Viaduct and reconstruction of North Tucker Boulevard (the "North Tucker Viaduct Project – Phase II"); and authorizing and directing the City of St. Louis (the "City") through its Board of Public Service to let contracts and provide for the removal and reconstruction, materials, and equipment for the North Tucker Viaduct Project – Phase II, authorizing the Board of Public Service to employ labor and consultants, pay salaries, fees and wages, acquire real property interests, and enter into supplemental agreements with the Missouri Highway and Transportation Commission, Federal Highway Administration, utilities, railroads, other governmental agencies and private corporations and entities and to make application for funding from other sources for the North Tucker Viaduct Project – Phase II 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 therefore; directing that all construction contracts let by authority of this Ordinance provide for federal and state prevailing wages 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, compliance with the provisions of Sections 285.525 thru 285.550 of the Revised Statutes of Missouri, 2000, as amended, by requiring enrollment and participation in a federal work authorization program and no knowing employment of unauthorized aliens, and compliance with the provisions of Section 292.675 of the Revised Statutes of Missouri, 2000, as amended, by providing a ten-hour Occupational Safety and Health Administration construction safety program for their on-site employees, except when superseded or prohibited by federal or state law or regulation; requiring all advertisements for bids pursuant to this Ordinance be subject to the provisions of Section 8.250, RSMo., as amended; and the total estimated cost of the North Tucker Viaduct Project – Phase II, is Eleven Million, Three Hundred Eleven Thousand, Two Hundred Twenty Dollars (\$11,311,220.00) from various sources including the Federal Highway Administration Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and Current Interest Junior Leasehold Revenue Bonds, Series 2009B; 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; 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 removal of the North Tucker Viaduct and reconstruction of North Tucker Boulevard (the "North Tucker Viaduct Project – Phase II").

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 the removal and reconstruction, materials, and equipment for the North Tucker Viaduct Project – Phase II to employ labor and consultants, pay salaries, fees and wages, acquire real property interests, and 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, contract advertising statutes, provisions requiring enrollment and participation in a federal work authorization program and no knowing employment of unauthorized alien employees pursuant to Sections 285.525 thru 285.550 of the Revised Statutes of Missouri, 2000, as amended, and providing 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, 2000, as amended.

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 therefore.

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 North Tucker Viaduct Project – Phase II. 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.

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 RSMo. 2000, as amended.

SECTION SEVEN. The total estimated cost of the North Tucker Viaduct Project - Phase II is Eleven Million, Three Hundred Eleven Thousand, Two Hundred Twenty Dollars (\$11,311,220.00) including the federal share of Eight Million, Three Hundred and Eleven Thousand, Two Hundred and Twenty Dollars (\$8,311,220.00) of which Eight Million Dollars (\$8,000,000.00) is from the Surface Transportation Program – Suballocated (STP-S) Federal Highway Administration Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and Three Hundred Eleven Thousand, Two Hundred Twenty Dollars (\$311,220.00) is from the Transportation, Community, and System Preservation Program (TCSP) Federal Highway Administration Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) to be deposited into 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 City’s local match share is Three Million Dollars (\$3,000,000.00) to be appropriated from the Current Interest Junior Leasehold Revenue Bonds, Series 2009B. The estimated cost of all phases for the North Tucker Viaduct Project is Thirty-five Million, Three Hundred Eleven Thousand, Two Hundred Twenty Dollars (\$35,311,220.00). Two (2) prior Ordinances have been passed addressing the balance of funding required to remove the Tucker Viaduct and reconstruct Tucker Boulevard including Ordinance 67608 covering Seven Million Dollars (\$7,000,000.00) and Ordinance 68340 covering Seventeen Million Dollars (\$17,000,000.00). 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 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 make application and accept on behalf of the City monetary donations from other governmental agencies and other corporations and entities to assist in paying for the work authorized in this Ordinance. Funds received shall be deposited into 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 improvement, 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: October 5, 2009