

**DATE:** October 12, 2017

**TO:** Larry McKinley  
Office of Project Letting Manager

**FROM:** David Daly  
Gresham Local Agency PM - Civil Engineer II

**SUBJECT: LETTER OF PUBLIC INTEREST FINDING**

**Request Type:** State Furnished Materials

**Project Name:** NE Kane Drive at Kelly Creek Culvert

**Highway:** N/A

**County:** Multnomah

**Key No.:** 19787

**Control No. (OPL use only):** \_\_\_\_\_

**PS&E Due Date:** 2/12/2018

**Bid Date:** 4/26/2018

Anticipated Item Request Required? Yes  No

**Project Description:** *Give a brief description of the project including the purpose, general location and other key details.*

The NE Kane Drive at Kelly Culvert project is a Certified Local Agency project being delivered by the City of Gresham. On December 7, 2015, heavy rain, high water, and debris flows in Kelly Creek plugged and damaged the former 8' x 12' CMP culvert causing a washout of Kane Drive. Emergency repairs were constructed in December 2015 through January 2016 to allow the road above to re-open to traffic. The emergency repairs included replacing the damaged 8' x 12' culvert with two 6-foot diameter CMP culverts, which remain in place until a permanent culvert replacement is constructed. The current project will replace the two temporary 6-foot diameter CMP culverts with a concrete, fish passable culvert and will be approximately 140 feet long with a 34-foot span and a 12-foot rise. The proposed culvert will feature a natural stream bed bottom. Kane Drive will be reconstructed along its original alignment after the new culvert is installed. Construction of the project is currently scheduled for summer 2018. Funding for the project is provided through the Federal Highway Administration (FHWA) Emergency Relief (ER) program.

**Exemption Description:** *What exemption to the existing CFR or Statute is being requested? Wherever possible, provide product specifications (make, model#)*

This request is for an exemption to CACC Sec III.B.8.I.vii, 23 CFR 635.407 for State Furnished Materials. In order to deliver the project within the 2018 summer in-water work window, the City requests exemption from the above referenced CFR to supply pre-cast, concrete culvert sections for use during

construction. The culvert sections will be pre-ordered for the project and procured by the City of Gresham. According to local precast concrete suppliers, due to the size, shape and number of precast sections needed to complete the project in the summer 2018 specified timeframe, advance construction is needed. This request results in a requirement for the project Contractor to source the culvert sections directly from the City of Gresham.

**Public Interest:** *Why is it in the public's best interest to not follow the existing CFR or Statute?*

Delivery of the Kane Drive Culvert Replacement during the summer 2018 is in the public's best interest as it is necessary to minimize large scale, long term traffic congestion in Gresham and east Multnomah County. Construction of the culvert will necessitate full closure of Kane Drive, which is a 5-lane north/south arterial in the City. Concurrent to delivery of the City's Kane Drive Culvert project, Multnomah County also has planned a similar replacement of an adjacent culvert which also requires full closure of an adjacent east/west arterial. Both local agencies have coordinated and discussed the respective impacts of the projects and agreed the both projects cannot commence concurrently without significant traffic impacts to the local area. Through conversations with the County, the project team in Gresham has agreed to deliver the Kane Drive Culvert project in summer 2018 with the County delaying their project to summer 2019. Limitations on funding for the City's Kane Drive Culvert replacement prohibit delay beyond FFY 2018. As previously stated, in order to meet the City's delivery timeframe pre-ordering culvert sections is necessary.

**Associated Costs:** *What is the cost associated with this request? Is there a cost savings to the project? If there is a cost savings to the project, include the cost savings and clearly describe how the savings will impact the project.*

Cost to pre-order the culvert sections is expected to be in the \$200,000 to \$300,000 range. The City will follow a competitive bid process to procure. Cost impact to the overall project is expected to be neutral or benefit to the project since the City will utilize a competitive process for procurement of the precast materials whereas a Contractor may not otherwise. The project may also benefit from the omission of Contractor associated markups on the materials.

**Procurement Method:** *How will the material or work be procured? E.g., biddable work in the construction contract, Contract Change Order, separate sole source contract, Agency supplied material or labor, etc.*

Procurement of the precast materials will be completed by the City's purchasing department in a competitive construction contract process.

**Alternatives:** *What alternatives can be used if the LPIF isn't approved? If there are no alternatives, please describe why.*

If this LPIF is not approved, and the precast culvert sections cannot be pre-ordered and supplied by the City, then construction of the culvert during the 2018 in-water work window will be jeopardized. Construction of the culvert outside of the summer 2018 construction season places additional risk to the

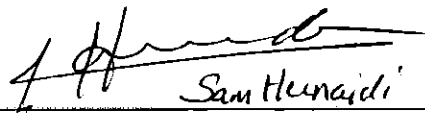
project funding from FHWA, and coordination with Multnomah County and communication to the public in general.

**Buy America:** How will conformance to Buy America requirements be confirmed for any iron or steel materials (applies to federally funded projects only)? If Buy America requirement do not apply, please describe why.

Specifications for the precast culvert sections will include reference to Buy America along with requirements that manufacturers provide the City with Certificates of Material Origin (CMO's) for project documentation at the time of installation.

Submitted by:  Date: 10/12/17  
David Daly, PE – City of Gresham Civil Engineer II

Concurred by: Reem Khaki - LAL Date: 10/16/17  
Click here to enter the Project Leader's or Local Agency Liaison's name and position title.  
(Required only if the submitter isn't the Project Leader or Local Agency Liaison)

Concurred by:  Date: 10/17/17  
Click here to enter AM's name and position title.  
Project Services Manager

Concurred by: \_\_\_\_\_ Date: \_\_\_\_\_  
Heather C. Howe, State Utility and Railroad Liaison  
(Required for Utility Connections / Hookups and Railroad Flagging Only)

Concurred by: \_\_\_\_\_ Date: \_\_\_\_\_  
Doug Spencer, ITS Standards Engineer  
(Required for ITS Equipment only)

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
Larry McKinley, Office of Project Letting Manager

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
Click here to select a FHWA Area Engineer.  
(Required for FFO project only)

Cc.: Enter the Spec Writer's name and position title (email required for non-ODOT employees).