SARPY COUNTY COMMISSIONER’S ROAD IMPROVEMENT AND CONSULTANT PROCUREMENT POLICY


SECTION 1. Road Projects – Planning, Programming, and Funding of Projects

1. Road improvements will be made in accordance with the six-year plan adopted by Sarpy County, as required by Neb. Rev. Stat. §39-2115(Reissue 1998). If a project is not on the six-year plan the plan must be amended before the project can be started. Before the County Board adds a road improvement to the County six-year plan or approves a road improvement that is not in the six-year plan the County Planning Commission shall review for the sole purpose of finding that such improvement is in conformance with the Sarpy County Comprehensive Plan.

2. On an annual basis as part of the County budget process, the County Board will authorize an appropriation for specific road projects. The projects approved and funded in the annual budget cannot be removed from and new projects cannot be added to the annual budget without a vote of the County Board. Significant changes or modifications to the funding amount authorized for a specific road project cannot be made without a vote of the Board.

3. On or before May 1 of each year the County Engineer shall present to the County Board a road project program for the next three fiscal years which shall contain:
   a. The total Opinion of Probable Cost (OPC) for each project to include the costs for design, right-of-way acquisition, environmental review, construction and construction management.
   b. The proposed funding sources for each project, e.g. general revenues from the Public Works fund, ASIP fees, Buy-back funds, reimbursements from other entities.
   c. The project timeline for each project.
   The County Board will review and revise the three year road project program and approve it as part of the annual budget approval.

4. In cases of emergency conditions when a road or bridge poses danger to persons or property, the County Engineer and County Board can move forward with the work necessary to alleviate the danger before adding the project to the six-year plan.

5. The County Board can authorize and require separate projects to be combined into one project to increase efficiency and cost effectiveness. As part of the authorization process, the County Engineer will be provided notice of the intent to combine projects and may provide a recommendation on the feasibility of combining projects.

6. Private development or Sanitary Improvement District (SID) development requesting participation in funding from the County shall follow the process and requirements outlined in Section 3 of this policy.

SECTION 2. Road Projects – Adherence to Comprehensive Plan
1. Before the County Board adds a road improvement to the County six-year plan or approves a road improvement that is not in the six-year plan the County Planning Commission shall review for the sole purpose of finding that such improvement is in conformity with the Sarpy County Comprehensive Plan.

2. All roadway improvements must follow the goals, policies and guidelines set forth in the Sarpy County Comprehensive Plan as well as the policies contained herein.

3. No roadway improvements may be made to any County road without first being approved by the County Engineer. All road improvements must meet applicable federal, state, and local standards.

4. New development abutting roadways identified in the Comprehensive Plan as part of the Sarpy County Federal Roadway Functional Classification system and/or the State Functional Classification System, and in accordance with the Anticipated Full Build-Out Street Network (AFBOSN) shall:
   i. Dedicate right-of-way at no cost to Sarpy County from its side of development so the County can achieve one-hundred feet (100’) of total right-of-way for the corridor.
   ii. Dedicate right-of-way at no cost to Sarpy County for additional right-of-way sufficient to accommodate necessary turning movements at the intersection of all roadways identified on the AFBOSN map.
   iii. In instances when development is occurring directly abutting roads on the AFBOSN where the ultimate right-of-way is projected to exceed one-hundred feet (100’), the development will not be required to dedicate such excess right-of-way but the County may negotiate with the development to purchase the additional right-of-way.

The County Engineer may conduct, or require development to conduct, future corridor studies, traffic impact analyses, and long range transportation plans for certain corridors that identifies specific right-of-way dedications.

5. Access to roadways identified on the Roadway Classification System shall follow the Arterial Access Policy contained in the Comprehensive Plan. When physical constraints exist, access points may be allowed to deviate from the policy with the approval of the County Engineer (Comprehensive Plan Section TRN 2.c.).

6. All roadway improvements shall follow the Typical Roadway Sections outlined in the Comprehensive Plan and/or be approved by the County Engineer or their designee.

7. Developments abutting roadways designated as requiring 100’ of right-of-way or greater on the AFBOSN contained in the Comprehensive Plan must provide noise mitigation measures capable of meeting applicable federal, state, and local noise standards or establish setbacks for residential dwelling units on lots abutting those roadways sufficient to mitigate potential future noise impacts.

8. New development adjacent to roadways designated as requiring 100’ of right-of-way or greater will be required to grade the roadway and adjacent development to meet the horizontal and vertical profile of the future roadway at full build out. The County Engineer may develop and publish minimum design requirements for road profiles for certain corridors that development must follow.

SECTION 3. Road Projects – Private Development Projects and County Participation
As a standard guideline, the County will consider participation in the funding of certain roadway improvements in partnership with property owners, private developers, and sanitary improvement districts (SIDs) to assist and facilitate orderly and efficient development of the County. County participation is predicated on funds being appropriated and programmed into the annual fiscal year budget when the project is estimated to be completed. The request for County funding participation must be made to the County Board and County participation will be contingent upon the following terms and conditions:

1. The County will consider funding for roadway paving in areas considered ready for urban/suburban development that are, 1) served by the Papillion Creek Sanitary Sewer System, 2) designated as part of the Urban Development Zone in the Sarpy County and Cities Wastewater Agency Growth Management Plan, 3) on the State Highway system, and 4) part of the future Platteview Road alignment.
   a. The County’s funding participation will be:
      i. In the case of two-lane roadways which have been programmed to be paved, the developer or SID shall be responsible for the cost of one-lane of improvement of the road(s) directly abutting to their development. Future development shall reimburse the County for the cost of one-lane of improvement of the road(s) at the time of development.
      ii. In the case of three-lane roadways which have been programmed to be paved, the developer or SID shall be responsible for the cost of one-lane of improvement of the road(s) directly abutting to their development. The County will be responsible for the cost of two-lanes of improvement of the road(s) and shall collect reimbursement for the cost of one-lane of improvement of the road from future adjacent development.
   b. For projects within a city’s extraterritorial jurisdiction, the County may seek funding participation from the city to improve the project above the County’s typical design standards.
   c. For projects impacting the State Highway system, the development will be responsible for the entire cost of any state required improvements specifically benefitting the development.

2. The County will not consider funding for roadway paving in areas not considered ready for urban/suburban development that are within the boundaries of the Urban Reserve Zone in the Sarpy County and Cities Wastewater Agency Growth Management Plan. Roadway paving in these areas must meet all of the County design policies and standards and must be paid for privately.

3. The County will not consider funding for roadway paving within the boundaries of the Rural Development and Conservation Zones in the County Comprehensive Plan. However, the County may consider allowing the formation of a Rural Road Improvement District if the proposed project conforms to the County’s Rural Road Improvement District Policy.

4. Developer or SID as Lead Agent. When road construction projects are undertaken in cooperation with a private developer or SID, it is the County’s preference that the private developer or SID serve as the lead agent unless the County Board votes to have the County Engineer serve as the lead agent.
   a. When the developer or SID serve as the lead agent, the following provisions will be in place:
      i. The private developer or SID must submit a request for funding to the County Board and agree to the cost share of the road through an inter-local agreement (with eligible costs being defined in Section 3, paragraph 8 below).
ii. Bidding practices for the construction of improvements must meet or exceed County public bidding standards.

iii. The County must review and approve plans in the preliminary and final design stages and final plans must be approved in writing by the County Engineer or designee before being issued for bid.

iv. The County must be made aware of the bid date and have the opportunity to attend the public bid.

v. The County must review bids and concur on the selected bidder.

vi. The private developer or SID will invoice the Sarpy County Fiscal Administration Office and the County will pay its contribution at a time that is mutually agreed upon by the County and developer or SID in the inter-local agreement.

vii. The County will carry the cost to be paid by future adjacent development until such time as the adjacent property develops and the County is able to collect reimbursement.

5. County as the Lead Agent. In the event Sarpy County serves as the lead agent the private developer or SID will be required to pay for the development’s cost for one-lane of improvement at a time that is mutually agreed upon by the County and developer or SID in the inter-local agreement.

6. In instances when development is occurring on previously improved roadways, i.e. the road adjacent to development is already improved, new adjacent development shall pay the entire cost of any additional roadway improvements required by the County Engineer (e.g. traffic signals, turn lanes, curbs, storm sewers, etc.).

7. Whenever possible, the County encourages the participation of multiple parties in a road improvement project, and will seek to apportion the cost not paid by the County based upon the road frontage or other benefits received by the other participants.

8. Any reference to the cost of improvements, however phrased, shall only refer to the costs of design, engineering, construction and construction management of the road improvement. Any costs associated with the financing of the road improvement, including interest, legal, and the cost of bonding, are specifically excluded, and shall not be used in determining the County’s contribution. The costs of improvement shall also be limited to those necessary to improve a road to the standards typically used by Sarpy County. Unless otherwise approved by the County Board, additional improvements or amenities, primarily of an aesthetic nature or higher than the County’s typical and planned road section design for the specific corridor, will not be considered in determining the County’s contribution.

9. No road project will be considered fully appropriated until all contributing parties to the project have formalized an agreement in writing and it has been approved by the County Board.

10. No County funding will be provided to SID or developers for roadway improvements that do not first meet all of the policies listed above.

11. County participation will be contingent upon the County having funds available and authorized through the annual budget process.

SECTION 4. Road Projects – Engineering and Related Services Procurement Process
The County will follow the process outlined below to select qualified professional engineering and consulting firms for road projects that are not being led by a private developer or SID as the lead agent. The County Purchasing Agent will be responsible for coordinating the procurement process in collaboration with the County Engineer and County Administrator.

1. When it is necessary to engage a professional services firm, the Purchasing Agent shall obtain permission from the County Board to publish a request for qualifications.

2. The County Purchasing Agent in coordination with the County Engineer’s Office, will prepare and distribute a Request for Qualifications (RFQ) to qualified firms. For federal or state funded projects, the County Engineer will appoint a Responsible Charge (RC) who will collaborate with the Purchasing Agent for assistance throughout the consultant selection process. All proposal requirements, including method of selection and selection criteria, will be listed within the RFQ.

3. Once permission to solicit RFQ’s has been granted by the County Board and the RFQ has been completed, the Purchasing Agent shall publish a notice in a manner that creates public awareness. The completed RFQ will be available for firms to obtain through the County’s electronic procurement system. In order to receive the RFQ interested firms must be registered in the online procurement system. Questions regarding the RFQ or project shall be sent to the Purchasing Agent who will collaborate with the County Engineer’s Office to provide responses.

4. Interested firms will submit their RFQ response to the Purchasing Agent by using the online procurement system or in the manner outlined in the RFQ.

5. The Purchasing Agent will provide the submitted RFQ’s to the County Engineer and County Administrator, or their designees, for review and to develop a short-list of firms to move forward in the selection process.

6. In coordination with the Purchasing Agent, the County Engineer and County Administrator, or their designees, will conduct a final selection process, which may include interviews, to rank order the firms. All communication to firms regarding the RFQ process will be provided by the Purchasing Agent.

7. Following the selection of the most highly qualified firm, the Purchasing Agent will solicit a cost proposal from the firm for review by the County Engineer and County Administrator, or their designees. The proposal shall include a detailed scope of services agreed upon by the firm and the County, and shall be in the format of a cost plus fixed fee contract type, unless otherwise directed. The County Engineer and County Administrator, or their designees, will negotiate a final proposed fee with the firm to ensure the fee is competitive and commiserate with the complexity of the project. If agreement cannot be reached, the County will end negotiations and move on to negotiations with the second-ranked firm. In cases where federal funding is being utilized, the County shall comply with the negotiation process required by the Nebraska Department of Transportation (NDOT). For smaller or expedited projects the County Engineer and County Administrator may allow firms to work under a lump sum not-to-exceed fee structure. The County retains the right to contract with a different firm for construction management services.
8. Once under contract, the professional engineering and consulting firms will provide regular updates to the County Board at agreed upon intervals. The County Engineer will issue a Statement of Completion indicating that the project has been built in accordance with the proposed plans and any amendments thereto.

9. Invoices for payment submitted by professional engineering and consulting firms shall be submitted to the County Engineer’s Office for review and approval then submitted to the Fiscal Administrator’s Office for review and submission to the County Clerk’s Office to be placed on the County Board’s agenda for approval. The County Board shall not approve a claim for payment of professional engineering and consulting services until reviewed by Fiscal Administration.

10. In special circumstances the County Engineer and County Administrator can direct the Purchasing Agent to follow a different selection process.

11. The County Engineer and County Administrator may develop a list of pre-qualified firms through a qualifications based selection process that are eligible to be selected for projects in which the total professional fee will be less than $100,000. Such list shall be in effect for the term listed in the request for qualifications. The County Engineer and County Administrator, or their designees, will agree in writing when selecting a pre-qualified firm for a specific project. The Purchasing Agent shall keep an updated list of pre-qualified firms.

12. The County Engineer and County Administrator, with the assistance of the Purchasing Agent, may negotiate contracts with firms to be placed on an ‘on-call’ basis available to assist the County in the case of emergencies.

13. The County Board will not approve an agreement with a professional engineering or consulting firm until the County Engineer, County Administrator, Fiscal Administrator, and County Attorney have reviewed the agreement and provided a recommendation for approval.

Moved by Jim Warren, seconded by Brian Zugger, that the above Resolution be adopted, and that prior versions of these rules be repealed. Carried.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 11th day of December with an effective date of January 1, 2019.

SEAL:

Sarpy County Board Chair

County Clerk
Map 21: Anticipated Full Build-Out Street Network

- Sarpy County
- Anticipated Full Build-Out Street Network

**Legend**
- Potential New Interchange
- Street Centerline
- Sarpy County Jurisdiction
- Municipal ETJ
- Municipal Boundaries
- River / Waterbody
- Proposed Platview Road Realignment (ROW 200')
- Proposed 180th/192nd Street Realignment (ROW 120')
- 4 - Lane Divided (ROW 100')
- 6 - Lane Divided (ROW 150')

Source: HDR 2017

Created By: NACJ
Date: 7/16/2015
Revised: 7/15/2017
Software: ArcGIS 10.4.1
File: 130339.00

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MEMO

December 11, 2018

TO: Sarpy County Board of Commissioners

FROM: Dan Hoins, County Administrator

RE: Resolution approving Road Policy

At the November 20 County Board meeting several key stakeholders requested a chance to provide additional input on the proposed road policy. Since that meeting we have held productive meetings and obtained valuable input from the development and professional engineering communities. The input they provided has resulted in a better policy to present to you for your consideration and approval.

The main focus of the policy remains the same which is to provide the County Board the ability to take a more active role in the planning, prioritizing, and financing of road projects in the County. The policy outlines key steps the County will take to have a defined program and funding plan for desired road projects. It provides clarity on the terms of the County’s important partnership with private development to build the roads necessary to serve the County’s growing population. Finally, the policy establishes a collaborative approach with the County Engineer’s Office for the selection of professional engineering and consultant firms.

Thank you for your consideration. Please feel free to contact me if you have any questions. Thank you.

Dan Hoins, County Administrator

Cc: Deb Houghtaling, Denny Wilson, Pat Dowse, Scott Bovick, Brian Hanson, Beth Garber, Bruce Fountain, Donna Lynam, Bonnie Moore, Nicole Spitzenberger, John Reisz, Megan Barrett