City of Fort Worth, Texas

Mayor and Council Communication

DATE: 06/25/24 **M&C FILE NUMBER**: M&C 24-0541

LOG NAME: 13P AMEND CSCO 60016 LED ROADWAY LIGHTS AND MATERIALS TPW CB

SUBJECT

(ALL) Authorize Execution of Agreement with Fonroche Lighting America, Inc. Using Allied States Cooperative Contract 23-7457 in an Amount Up to \$9,800,000.00 to Allow for a One-Time Purchase of Solar Lighting Using American Rescue Plan Act Funding to Support the Neighborhood LED Streetlight Capital Project for the Transportation and Public Works Department

RECOMMENDATION:

It is recommended that the City Council authorize the execution of an agreement with Fonroche Lighting America, Inc. using Allied States Cooperative Contract 23-7457 in an amount up to \$9,800,000.00 to allow for a one-time purchase of solar lighting using American Rescue Plan Act funds to support the Neighborhood LED Streetlight Capital Project for the Transportation and Public Works Department.

DISCUSSION:

The City Council approved \$16,000,000.00 total, \$12,000,000.00 for the Neighborhood LED Streetlight Capital Project and \$4,000,000.00 for other capital delivery (M&C 22-0789). The Neighborhood LED Streetlight Capital Project had an initial scope of LED conversion, replacing poorcondition streetlights, poles, and wiring, as needed. Staff developed the project scope to address 28 neighborhoods over 4 years. Year 1 included 5 neighborhoods, Year 2 included 7 neighborhoods, Year 3 included 8 neighborhoods, and Year 4 included 8 neighborhoods. The Year 1 and Year 2 neighborhood projects are now completed. To date, the project has replaced 448 street lights, removed 42,565 linear feet of old/bad wire, and installed 36,818 linear feet of new wire for a total cost of \$2,200,000.00 with a remaining balance of \$9,800,000.00. The light replacements for Years 1 and 2 were handled as part of the larger capital projects.

TPW staff identified that using Fonroche Lighting America, Inc. to install energy-efficient solar lighting would be more efficient and would ensure that the lighting replacements in the neighborhoods for Years 3 and 4 could be fully performed in a timely manner. Accordingly, TPW is requesting authorization to enter into an agreement with Fonroche Lighting America, Inc. in an amount up to \$9,800,000.00 to allow for a one-time purchase of solar lighting using American Rescue Plan Act funds in order to support the Neighborhood LED Streetlight Capital Project. The actual amount used will be based on the needs of the department and the available budget. No guarantee was made that a specific amount of services would be purchased.

State law provides that a local government purchasing an item under a cooperative purchasing agreement satisfies state laws requiring that the local government to seek competitive bids for the purchase of an item. Allied States Cooperative Contract 23-7457 has been competitively bid to increase and simplify the purchasing power of local government entities across the State of Texas. The Request for Proposal (RFP) contract no. 23-7457 was published on February 20, 2023, and February 27, 2023. Responses were opened on March 21, 2023. The cooperative agreement was structured in annual terms with the initial term ending on April 30, 2024, with three annual renewal options. In no event will the City's agreement extend past April 30, 2027, to ensure alignment with the cooperative agreement. Staff has reviewed the pricing and has determined it is reasonable.

AGREEMENT TERM: This agreement will begin upon execution and will end at the earlier of the expiration of the funds, completion of the project, or October 31, 2026, to align with ARPA grant requirements.

ADMINISTRATIVE CHANGE ORDER: An administrative change order or increase may be made by the City Manager up to the amount allowed by relevant law and the Fort Worth City Code and does not require specific City Council approval as long as sufficient funds have been appropriated.

Funding is budgeted in the Grants Cap Projects Federal Fund for the purpose of funding the ARPA Street Light LED project, as appropriated.

DVIN-B: A M/WBE goal is not assigned when purchasing from an approved purchasing cooperative or public entity.

This project will serve ALL COUNCIL DISTRICTS.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certified that funds are available in the current capital budget, as previously appropriated, in the Grants Cap Projects Federal Fund for the ARPA Street Light LED project to support the approval of the above recommendation and execution of the contract. Prior to any expenditure being incurred, the Transportation and Public Works Department has the responsibility to validate the availability of funds.

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