

# Mayor and Council Communication

**DATE:** 06/13/23

**M&C FILE NUMBER:** M&C 23-0500

**LOG NAME:** 60WSGEN&EMERPLAN GEN/A4-ACME ELECTRIC AND FNI

## **SUBJECT**

(CD 3, CD 6, CD 8 and CD 9) Authorize Execution of a Contract with Winston Electric, Inc. dba ACME Electric Company in the Amount of \$23,119,632.00 for Westside Water Treatment Plant Generators and Emergency Preparation Plan for Power Generation at the North and South Holly Water Treatment Plants Project, Authorize Execution of Amendment No.4 in the Amount of \$887,262.00 to an Engineering Agreement with Freese and Nichols, Inc., for Westside Water Treatment Plant Generators and Emergency Preparation Plan for Power Generation at the North and South Holly Water Treatment Plants Project, Provide for Total Project Costs in the Amount of \$24,890,722.00 and Adopt Appropriation Ordinances to Effect a Portion of Water's Contribution to the Fiscal Years 2023-2027 Capital Improvement Program

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## **RECOMMENDATION:**

It is recommended that the City Council:

1. Authorize execution of a contract with Winston Electric, Inc. dba ACME Electric Company in the amount of \$23,119,632.00 for the Westside Water Treatment Plant Generators and Emergency Preparation Plan for Power Generation at the North and South Holly Water Treatment Plants project (City Project No. 103410);
2. Authorize execution of Amendment No. 4 to City Secretary Contract No. 55946 in the amount of \$887,262.00, an Engineering Agreement with Freese and Nichols, Inc., for construction support services for Westside Water Treatment Plant Generators and Emergency Preparation Plan for Power Generation at the North and South Holly Water Treatment Plants project (City Project No. 103410) for a revised contract amount of \$5,551,647.00;
3. Adopt the attached appropriation ordinance adjusting estimated receipts and appropriations in the Water & Sewer Revenue Bond Series 2022 Fund by increasing estimated receipts and appropriations in the Westside Water Treatment Plant Generators and Emergency Preparation Plan for Power Generation at the North and South Holly Water Treatment Plants Main project (City Project No. 103410) in the amount of \$887,262.00 and decreasing estimated receipts and appropriations in the Unspecified-All Funds project (City Project No. UNSPEC); and
4. Adopt the attached appropriation ordinance adjusting estimated receipts and appropriations in the Water & Sewer Revenue Bonds Series 2023 Fund by increasing estimated receipts and appropriations in the Westside Water Treatment Plant Generators and Emergency Preparation Plan for Power Generation at the North and South Holly Water Treatment Plants Main project (City Project No. 103410) in the amount of \$24,003,460.00 and decreasing estimated receipts and appropriations in the Unspecified-All Funds project (City Project No. UNSPEC) by the same amount to effect a portion of Water's Contribution to the Fiscal Years 2023-2027 Capital Improvement Program.

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## **DISCUSSION:**

The purpose of this Mayor and Council Communication (M&C) is to authorize execution of a contract with Winston Electric, Inc. dba ACME Electric Company in the amount of \$23,119,632.00 for the Westside Water Treatment Plant Generators and Emergency Preparation Plan for Power Generation at the North and South Holly Water Treatment Plants project (City Project No.103410) and execution of Amendment No. 4 to (City Secretary Contract No. 55946) in the amount of \$887,262.00, an Engineering Agreement with Freese and Nichols, Inc., for construction support services for Westside Water Treatment Plant Generators and Emergency Preparation Plan for Power Generation at the North and South Holly Water Treatment Plants project (City Project No.103410) for a revised contract amount of \$5,551,647.00.

The February 2021 Deep Freeze caused power failures to Eagle Mountain Water Treatment Plant (EMWTP), the Westside Water Treatment Plant (WSWTP) and affected the North and South Holly Water Treatment Plants, along with power supply and freezing issues at some pump stations. In response to the power outages, the Water Department implemented a series of projects to minimize the effects of future power failures and/or freezing temperatures on Water Facilities. In addition, during the 2021 legislative session, the State of Texas enacted a law, Senate Bill 3 (SB3), requiring the submittal of an Emergency Preparedness Plan by March 1, 2022.

On June 22, 2021, Mayor and Council Communication (M&C) 21-0480 authorized an engineering agreement with Freese and Nichols, Inc. (City Secretary Contract No.55946) in the amount of \$1,215,325.00 for the Westside Water Treatment Plant Generators and Emergency Preparation Plan for Power Generation at the North and South Holly Water Treatment Plants project.

The original scope of service included the following: Preparation of the required SB3 Emergency Preparedness Plan by March 1, 2022 for responding to extended electric power failures; Design and preparation of construction documents for the installation of emergency electric generators at the Westside Water Treatment Plant (under construction) and Study and preparation of a plan for emergency power at the North and South Holly Water Treatment Plants.

The agreement was subsequently revised by Amendment No. 1 in the amount of \$17,802.00 administratively authorized November 4, 2021 to provide for additional coordination and review of ONCOR's design load sheet for an electrical service connection on the west property line of the Eagle Mountain Water Treatment Plant, Amendment No. 2 in the amount of \$1,585,391.00 (M&C 22-0101, February 8, 2022) to provide for design, bid, and construction phase services for backup power including electrical switchgear and generators in order to maintain functionality

of these assets in the event of future deep freezes at the following Water Department pump stations: Alta Mesa, Edwards Ranch, Eastside and Como. The amendment also allowed for construction assistance services for the installation of Westside Water Treatment Plant Backup Generators project and Amendment No. 3 in the amount of \$1,845,867.00 (M&C 22-0595, August 9, 2022) provided for design, bid, and construction phase services for the installation of emergency back-up power consisting of generators and electrical switchgear at the North and South Holly Water Treatment plants. The scope of services included the sizing and siting of the generators and all electrical gear necessary for support, site improvements including grading and fencing/security and construction assistance services.

Amendment No. 4, will allow the Engineer to provide construction management and inspection services during installation of back-up generators for the four pump stations and at the North and South Holly Water Treatment Plants.

The project was advertised for bid on February 23 and March 2, 2022, in the *Fort Worth Star-Telegram*. On March 30, 2023, the following bids were received:

Bidders	Total Bid	Contract Time
<b>Winston Electric, Inc. dba ACME Electric Company</b>	<b>\$23,119,632.00</b>	<b>1,090 Calendar Days</b>

In addition to the contract cost, \$537,034.00 is required for project management and inspection and \$346,794.00 is provided for project contingency.

This project will have no impact on the Water Department's operating budget when complete.

It is the practice of the Water Department to appropriate its CIP plan throughout the fiscal year, instead of within the annual budget ordinance, as projects commence, additional funding needs are identified, and to comply with bond covenants. The actions in the M&C will amend the City of Fort Worth's Fiscal Year 2023-2027 Capital Improvement Program as follows:

**60WSGEN&EMERPLAN GEN&A4-ACME ELECTRIC AND FNI**

Capital Fund Name	Project Name	FY2023 CIP Appropriations	Authority	Budget Change (Increase/Decrease)	Revised FY2023 Budget
W&S Rev Bonds Series 2022 - Fund 56020	103410 - WS Gen & Emer Prep Plan	\$0.00	This M&C	\$887,262.00	\$887,262.00
W&S Rev Bonds Series 2023 - Fund 56021	103410 - WS Gen & Emer Prep Plan	\$0.00	This M&C	\$24,003,460.00	\$24,003,460.00

Funding will be available in the Unspecified-All Funds project within the Water & Sewer Revenue Bonds Series 2023 Fund after the sale of the 2023 Water Revenue Bond for the purpose of funding the Westside Generator and Emergency Preparation Plan project.

Funding for the project is depicted below:

Fund	Existing Appropriations	Additional Appropriations	Project Total*
W&S Capital Project Fund 56002	\$12,814,614.00	\$0.00	\$12,814,614.00
W&S Rev Bonds Series 2022 - Fund 56020	\$2,905,716.00	\$887,262.00	\$3,792,978.00
W&S Rev Bonds Series 2023 - Fund 56021	\$3,891,734.00	\$24,003,460.00	\$27,895,194.00
<b>Project Total</b>	<b>\$19,612,064.00</b>	<b>\$24,890,722.00</b>	<b>\$44,502,786.00</b>

\*Numbers rounded for presentation purposes.

**Business Equity:** Winston Electric, Inc. dba ACME Electric Company is in compliance with City's Business Equity Ordinance by committing to 14 percent MWBE participation on this project. The City's MWBE goal on this project is 5 percent.

**Business Equity:** Freese and Nichols, Inc., is in compliance with the City's Business Equity Ordinance by committing to six percent MWBE participation on this project. The City's MWBE goal on this project is five percent.

The project is located in COUNCIL DISTRICTS 3, 6, 8 and 9.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are currently available in the Unspecified-All Funds project project within the W&S Rev Bonds Series 2022 Fund and will be available in the W&S Rev Bonds Series 2023 Fund when the bond is sold and upon approval of the above recommendations and adoption of the attached appropriation ordinances, funds will be available in the W&S Rev Bonds Series 2022 and W&S Rev Bonds Series 2023 for the WS Gen & Emer Prep Plan project to support the approval of the above recommendations and execution of the contract. Prior to any expenditure being incurred, the Water Department has the responsibility to validate the availability of funds.

**Submitted for City Manager's Office by:** Dana Burghdoff 8018

**Originating Business Unit Head:** Chris Harder 5020

**Additional Information Contact:** David Townsend 8430