

Mayor and Council Communication

DATE: 03/21/23

M&C FILE NUMBER: M&C 23-0199

LOG NAME: 60RATIFY 2022SUMMER EMERWMP REPAIR-JACKSON-TEXASBIT

SUBJECT

(ALL) Ratify Emergency Contracts with Jackson Construction, Ltd., and Texas Material Group, Inc. dba Texas Bit in the Final Amounts of \$444,330.48 and \$921,637.21 Respectively for Emergency Pavement Repair Work Subsequent to Water Main Repair Performed for the Summer 2022 Heat Wave Weather Event and Adopt Appropriation Ordinance to Effect a Portion of Water's Contribution to the Fiscal Years 2023-2027 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council:

1. Ratify emergency agreements with Jackson Construction, Ltd. – City Secretary Contract No. 57890, in the amount of \$444,330.48 and Texas Materials Group, Inc. dba Texas Bit – City Secretary Contract No. 57889, in the amount of \$921,637.21 for emergency pavement repair work performed for the Summer 2022 Heat Wave weather event; and
2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Water and Sewer Capital Projects Fund in the amount of \$174,912.79 transferred from available funds within the Water and Sewer Fund for the purpose of funding the Emergency Paving Ratify Texas Bit project (City Project No. 104276) and to effect a portion of Water's contribution to the Fiscal Years 2023-2027 Capital Improvement Program.

DISCUSSION:

The emergency work provided for pavement repairs in areas where emergency water main breaks attributable to the Summer 2022 Heat Wave were conducted. It was beyond the City's ability as well as those of on-call emergency contractors to handle the volume of pavement repairs required following the water main break repairs. Using emergency contracting procedures, the Water Department engaged Jackson Construction, Ltd. (City Project No. 104275) and Texas Materials Group, Inc. dba TexasBit (City Project No. 104276) each in the amount of \$750,000.00 to assist with the pavement repairs subsequent to water main repairs.

On September 27, 2022, Mayor and Council Communication (M&C) 22-0769 the City Council adopted an appropriation ordinance increasing estimated receipts and appropriations in the Water and Sewer Capital Projects Fund in the amount of \$1,500,000.00, transferred from available funds within the Water and Sewer Fund, for the purpose of funding the Emergency Pavement Repair Work Subsequent to Water Main Repair Performed for the Summer 2022 Heat Wave weather event. City Secretary Contract No. 57889 was subsequently revised by Change Order No. 1 in the amount of \$174,912.79 via attached December 6, 2022 supplemental memorandum to the original contract for a revised contract amount of \$924,912.79.

The total construction cost for these two contracts is \$1,365,967.69, which is fair and reasonable for the work performed. Upon ratification of these contracts, staff will close them out.

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 appropriate funds in support of the Water's portion of the City of Fort Worth's Fiscal Years 2023-2027 Capital Improvement Program, as follows:

Capital Fund Name	Project Name	FY2023 CIP Appropriations	Authority	Budget Change (Increase/Decrease)	Revised FY2023 Budget
56002 - W&S Capital Projects Fund	104276 - Emer Pav Ratify TxBit	\$0.00	This M&C	\$174,912.79	\$174,912.79

Funding is budgeted in the Transfer to Water/Sewer account of the Water and Sewer operating budget for the purpose of funding the Emer Pav Ratify TxBit project within the Water & Sewer Capital Projects Fund.

Appropriations for Emer Pav Ratify TxBit project are as depicted below:

Fund	Existing Appropriations	Additional Appropriations	Project Total*
W&S Capital Projects - Fund 56002	\$750,000.00	\$174,912.79	\$924,912.79
Total Project	\$750,000.00	\$174,912.79	\$924,912.79

Section 252.022 of the Local Government Code exempts from normal bidding requirements that are necessary to preserve or protect public health or safety of the municipality's residents and procurements that are necessary because of unforeseen damage to public machinery, equipment or property.

These projects are located in ALL COUNCIL DISTRICTS.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available in the Water & Sewer Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in the W&S Capital Projects Fund for the Emer Pav Ratify TxBit project. 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: Tony Sholola 6054