

# Mayor and Council Communication

**DATE:** 08/13/24

**M&C FILE NUMBER:** M&C 24-0679

**LOG NAME:** 60RATIFY PAVE REPAIR FOR WMBREAK JAN2024- TEXASBIT

**SUBJECT**

(ALL) Ratify an Emergency Contract with Texas Materials Group Inc. dba Texas Bit in the Final Amount of \$315,787.03 for Emergency Pavement Repairs Water Main Break Due to January 2024 Freeze and Adopt Appropriation Ordinance to Effect a Portion of Water's Contribution to the Fiscal Years 2024-2028 Capital Improvement Program

**RECOMMENDATION:**

It is recommended that the City Council:

1. Ratify emergency agreement with Texas Materials Group Inc. dba Texas Bit, City Secretary Contract No. 60842, in the amount of \$315,787.03 for emergency pavement repairs for water main breaks due to January 2024 Freeze; and
2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Water and Sewer Capital Projects Fund in the amount of \$315,787.03 transferred from available PayGo funds within the Water and Sewer Fund for the purpose of funding the EmerPave2024 WM Repair Ratify Texas Bit project (City Project No. 105385) and to effect a portion of Water's contribution to the Fiscal Years 2024 -2028 Capital Improvement Program.

**DISCUSSION:**

The attached City Manager Memo dated January 22, 2024, authorized City Secretary Contract No. 60842, for the emergency work up to \$1,000,000.00. The total construction cost was \$315,787.03, which is fair and reasonable for the work performed. Upon ratification of this contract, this project is completed and is ready to close. The work performed provided emergency pavement repairs for water main breaks due to the January 2024 Freeze.

Waiting to bid and award a construction contract to perform this work was not in the best interest of the health and safety of the citizens of the City of Fort Worth (City Secretary Contract No. 60842). Section 252.022 of the Local Government Code exempts from normal bidding requirements expenditures 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.

It is the practice of the Water Department to appropriate its CIP plan throughout the Fiscal Year (FY), 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 2024-2028 Capital Improvement Program, as follows:

**60RATIFY PAVE REPAIR FOR WMBREAK JAN2024 TEXAS BIT**

Capital Fund Name	Project Name	FY2024CIP Appropriations	Authority	Budget Change (Increase/Decrease)	Revised FY2024 Budget
Fund 56002 - Emer W&S Capital Projects	105385 - Emer Pave 24 WM Rep Ratify TXBi	\$0.00	This M&C	\$315,787.03	\$315,787.03

Funding is budgeted in the Transfer to Water/Sewer account of the Water operating budget for the purpose of funding the Emer Pave 2024 WM Repairs Ratify Texas Bit project within the Water & Sewer Capital Projects Fund.

FY2024 – Water PAYGO Appropriations per City Ordinance 26453-09-2023

FY2024 Original Adopted PayGo	FY2024 Amended PayGo (Includes any council actions subsequent to)	YTD PayGo Approved for/Moved to Capital Projects	This M&C	FY2024 Remaining PayGo Balance

	<b>budget adoption)</b>			
\$84,505,035.00	\$84,505,035.00	\$(73,727,273.39)	\$(315,787.03)	\$10,461,974.58

Note: there may be other pending actions or recently approved actions that are not reflected in the table due to timing.

Appropriations for emergency pavement repair work conducted for the January 2024 Freeze in project Emer Pave 24 WM Rep Ratify TXBi project are as depicted below:

<b>Fund</b>	<b>Existing Appropriations</b>	<b>Additional Appropriations</b>	<b>Project Total*</b>
W&S Capital Projects - Fund 56002	\$0.00	\$315,787.03	\$315,787.03
<b>Project Total</b>	<b>\$0.00</b>	<b>\$315,787.03</b>	<b>\$315,787.03</b>

\*Numbers rounded for presentation purposes.

This project is 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 24 WM Rep Ratify TXBi 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:** Fernando Costa 6122

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