

# Mayor and Council Communication

**DATE:** 11/29/22

**M&C FILE NUMBER:** M&C 22-1008

**LOG NAME:** 20SWM CUNNINGHAM ROAD HROM

**SUBJECT**

(CD 8) Authorize Execution of an Engineering Agreement with James DeOtte Engineering, Inc., in the Amount of \$766,497.00 for Design of the Cunningham Road Hazardous Road Overtopping Mitigation Project, Adopt Appropriation Ordinances, and Amend the Fiscal Years 2023-2027 Capital Improvement Program

**RECOMMENDATION:**

It is recommended that the City Council:

1. Authorize execution of an engineering agreement with James DeOtte Engineering, Inc., in the amount of \$766,497.00 for design of the Cunningham Road Hazardous Road Overtopping Mitigation project (City Project No. 104018);
2. Adopt the attached appropriation ordinance adjusting receipts and appropriations in the Stormwater Revenue Bonds 2020 Fund in the amount of \$1,313,000.00 by increasing estimated receipts and appropriations in the Cunningham Road Hazardous Road Overtopping Mitigation project (City Project No. 104018) and decreasing estimated receipts and appropriations in the Shore View & Bomber Hazardous Road Overtopping Mitigation project (City Project Number 103051) by the same amount;
3. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Stormwater Capital Projects Fund in the amount of \$157,000.00, from available funds, for the purpose of funding the Cunningham Road Hazardous Road Overtopping Mitigation project (City Project No. 104018); and
4. Amend the Fiscal Years 2023-2027 Capital Improvement Program.

**DISCUSSION:**

The engineering agreement recommended by this Mayor and Council Communication (M&C) will provide for engineering and design services related to the Cunningham Road Hazardous Road Overtopping Mitigation (HROM) project. The project will mitigate the risk of hazardous road overtopping of Cunningham Road as it crosses Sycamore Creek Tributary 7 near Crowley Road, to better protect drivers from road flooding.

The Hazardous Roadway Overtopping Mitigation (HROM) program is an ongoing effort to identify hazardous road flooding locations, prioritize them based on risk and, where feasible, develop solutions to make them safer. The HROM program was created in response to life-threatening and fatal incidents associated with flooded roads, usually at stream crossings.

In May 2018, the Transportation and Public Works Department (TPW), Stormwater Management Division (SWMD), published a Request for Qualifications (RFQ) for various engineering consulting services. Thirty-seven consultants responded to the RFQ for the project design service area with Statements of Qualifications (SOQ). An evaluation team of three City staff subject matter experts from the SWMD scored the SOQ's based on team capability and experience and firm's past performance. The City's Business Equity team also evaluated and scored the SOQ's. A pool of twenty-two consultants was selected based upon these scores to be matched with specific projects. Based on this scoring, James DeOtte Engineering was selected as the most qualified consultant to perform design services for this project.

To expedite project delivery, James DeOtte Engineering, Inc. was engaged in December 2020 through an administrative Professional Services jump start contract (City Secretary Contract No. 55722, HROM Design Jump-Start 6 for \$45,000.00) to participate in the project development, and evaluation of potential improvement alternatives to be implemented. James DeOtte Engineering, Inc. proposes to perform final design and engineering services for a fee in the amount of \$766,497.00. The services provided will include completion of the design of bridge and roadway improvements for Cunningham Road as it crosses Sycamore Creek Tributary 7 near Crowley Road. The engineer will also prepare plans and specifications for construction and provide services during bidding and construction. Staff considers the fee to be fair and reasonable for the scope of services proposed.

Additional funds in the amount of \$703,614.00 are requested for easement acquisition and project administration. Funding for this project was not included in the Fiscal Years (FY) 2023-2027 Stormwater Capital Improvement Program (CIP) as this site had not been identified as a feasible project. Stormwater revenue bond funds in the amount of \$4,300,000.00 were previously appropriated to the Shore View Hazardous Road Overtopping Mitigation project (City Project Number 103051), and a portion of these funds will be reallocated to this project since the Shoreview HROM project is being completed under budget. The action in this M&C will amend the FY2023-2027 Capital Improvement Program as approved in connection with Ordinance 25773-09-2022. The 2020 Stormwater Revenue Bond will fund this project.

| Capital Fund Name | Project Name                 | FY2022 CIP Appropriations | Authority | Budget Change (Increase/Decrease) | Revised FY2023 Budget |
|-------------------|------------------------------|---------------------------|-----------|-----------------------------------|-----------------------|
|                   | Cunningham Rd HROM project - |                           |           |                                   |                       |

|  |                                     |        |          |                |                |
|--|-------------------------------------|--------|----------|----------------|----------------|
| Stormwater Rev Bonds 2020 Fund (52007)   | 104018                              | \$0.00 | This M&C | \$1,313,000.00 | \$1,313,000.00 |
| Stormwater Capital Projects Fund (52002) | Cunningham Rd HROM project - 104018 | \$0.00 | This M&C | \$157,000.00   | \$157,000.00   |

Funding is budgeted in the Unspecified-All Funds project within the Stormwater Capital Projects Fund and in the Shore View & Bomber HROM project within the Stormwater Revenue Bonds 2020 Fund for the purpose of funding the Cunningham Rd HROM project.

Business Equity – James DeOtte Engineering, Inc. is in compliance with the City's Business Equity Ordinance by committing to 11% Business Equity participation on this project. The City's Business Equity goal on this project is 11%.

This project is located in COUNCIL DISTRICT 8.

**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are currently available in the Unspecified-All Funds project within the Stormwater Capital Projects Fund and in the Shore View & Bomber HROM project within the Stormwater Rev Bonds 2020 Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinances, funds will be available in the Stormwater Rev Bonds 2020 Fund and the Stormwater Capital Projects Fund for the Cunningham Rd HROM project to support the approval of the above recommendations and execution of the agreement. Prior to any expenditure being incurred, the Transportation & Public Works Department has the responsibility to validate the availability of funds.

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