

Mayor and Council Communication

DATE: 09/27/22

M&C FILE NUMBER: M&C 22-0743

LOG NAME: 60NTP/IH35W 16INCH WATER EMERGENCY REPAIR-CONATSER

SUBJECT

(CD 7) Adopt Appropriation Ordinance in the Amount of \$2,000,000.00 for North Tarrant Parkway/Interstate Highway 35W 16 Inch Emergency Repair Project Located at the North Tarrant Parkway Interstate Highway 35W Intersection and Effect a Portion of Water's Contribution to the Fiscal Years 2022-2026 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Water and Sewer Capital Projects Fund in the amount of \$2,000,000.00, transferred from available funds within the Water and Sewer Fund, for the purpose of funding the North Tarrant Parkway/Interstate Highway 35W 16 Inch Emergency Repair project (City Project No. 104358) and effect a portion of Water's contribution to the Fiscal Years 2022-2026 Capital Improvement Program.

DISCUSSION:

On January 21, 2022 the Water Department was informed by North Tarrant Infrastructure, LLC ("NTI"), the Design-Build Contractor for the North Tarrant Express Segment 3C project on IH-35W, of a possible leak on the existing 16-inch water main, south of North Tarrant Parkway, crossing IH-35W. The leak materialized on IH-35W just south of Heritage Trace Blvd. between the southbound frontage road and southbound freeway lanes and pooled on the freeway lanes backing up traffic to the Alliance Airport area. Water Field Operations used a pump to attempt to clear the ponding but it had difficulty keeping up with the amount of water leaking from the transmission main. Until this incident, this 16-inch water transmission main, installed in 2005, which serves not only residents but also area customer cities, including Westlake, Keller, and Southlake, has not experienced any maintenance issues.

Water Field Operations investigated multiple locations of possible leaks within and outside the IH-35W corridor and determined that the leaks are all emanating from within the IH-35W corridor in areas where NTI is performing significant work. The line was taken out of service to minimize the amount of water loss as well as to prevent further pooling in the active southbound lanes of IH-35W.

Under an emergency authorization memorandum of April 18, 2022, Conatser Construction TX, L.P. was engaged for replacement of the ruptured pipe section in the amount of \$2,000,000.00 (City Secretary Contract No. 57500). NTI has denied responsibility for the damaged water main. Staff will seek reimbursement from NTI after all repairs on the water main are complete.

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. Waiting to bid and award a contract to perform this work is not in the best interest of health and safety of the citizens or customers of the City of Fort Worth.

The purpose of this Mayor and Council Communication (M&C) is to secure funding to compensate Conatser Construction TX, L.P. for work performed and to speed up the project closeout process.

This project will have no impact on the Water Department's operating budgets when completed.

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 2022-2026 Capital Improvement Program, as follows:

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Capital Fund Name	Project Name	FY2022 CIP Appropriations	Authority	Budget Change (Increase/Decrease)	Revised FY2022 Budget
56002 - W&S Capital Projects Fund	104358 NTP /I-35 16" Emer Repair	\$0.00	This M&C	\$2,000,000.00	\$2,000,000.00

Funding is budgeted in the Transfer to Water/Sewer account of the Water operating budget for the purpose of funding the NTP / I-35 16" Emer Repair project within the Water & Sewer Capital Projects Fund.

Appropriations for NTP / I-35 16" Emer Repair project are as depicted below:

Fund	Existing Appropriations	Additional Appropriations	Project Total*
W&S Capital Projects - Fund 56002	\$0.00	\$2,000,000.00	\$2,000,000.00
Project Total	\$0.00	\$2,000,000.00	\$2,000,000.00

*Numbers rounded for presentation purposes.

This project is located in COUNCIL DISTRICT 7.

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 recommendation and adoption of the attached appropriation ordinance, funds will be available in the W&S Capital Projects Fund for the NTP / I-35 16" Emer Repair project. Prior to any expenditure being incurred, the Water Department has the responsibility to validate the availability of funds.

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Expedited