

# Mayor and Council Communication

**DATE:** 12/15/20

**M&C FILE NUMBER:** M&C 20-0954

**LOG NAME:** 20NW LOOP 820 & MARINE CREEK PKWY ENG AMEND NO 1

**SUBJECT**

(CD 2) Revise Scope of NW Loop 820 at Marine Creek Parkway 2018 Bond Program, Authorize Execution of Amendment Number 1, in the Amount Not to Exceed \$700,000.00, to the Professional Engineering Services Agreement with Kimley-Horn and Associates, Inc. for Design of the Revised Scope of the NW Loop 820 at Marine Creek Parkway Intersection Improvements for a Revised Contract Amount of \$1,132,000.00, and Amend the FY2021-2025 Capital Improvement Program (2018 Bond Program)

**RECOMMENDATION:**

It is recommended that the City Council:

1. Revise the scope of the NW Loop 820 and Marine Creek Parkway Intersection Improvements project (City Project No. 101585) within the 2018 Bond Program to construct a U-Turn for eastbound traffic and a hike and bike trail;
2. Authorize execution of Amendment Number 1, in an amount not to exceed \$700,000.00, to City Secretary Contract Number 51189, with Kimley-Horn and Associates, Inc., for additional engineering services related to the revised project scope; and
3. Amend the FY2021-2025 Capital Improvement Program.

**DISCUSSION:**

The purpose of this Mayor and Council Communication (M&C) is to take actions to revise the scope of the Marine Creek Parkway Intersection Improvements project from that which was described in the 2018 Bond book. The process consists of three steps: re-scope the Marine Creek Parkway Intersection Improvements project to reflect the change in scope, execute Amendment No. 1 to the Professional Engineering Services Agreement to provide engineering services for the amended scope, and amend the FY 2021-2025 Capital Improvement Program.

The 2018 Bond Program, approved by the voters, included funding for a project for Marine Creek Parkway Intersection at IH-820. The Bond booklet that was distributed prior to the election described this specific project as: improve intersection capacity and enhance operational flexibility by reversing left turn lanes.

Kimley-Horn was awarded a task order contract No. 51189 (M&C C-28764) on June 26, 2018 by the City Council. The original contract was to design the approved 2018 bond project scope to improve intersection capacity and enhance operational flexibility by reversing left turn lanes.

However, after submitting conceptual plans to the Texas Department of Transportation (TxDOT), receiving input at the public meeting, and performing additional traffic analysis, it was determined that designing and constructing a U-Turn for eastbound traffic would provide significant relief to the intersection and that this improvement could be delivered sooner as phase one of the project while the reverse left turn lane would become phase two which has a longer delivery time frame due to TxDOT environmental clearance requirements. In addition to the U-Turn, a pedestrian and bike trail has been added to the scope to facilitate coordination and construction with an existing project managed by the Park and Recreation Department (PARC).

Staff recommends the project be re-scoped to include the U-Turn and trail improvements as the first phase of the ultimate buildout of traffic improvements at the intersection. In adopting this recommendation, the City Council would be finding that the revised scope of the project - consisting of the changes described above - is within the voted purpose of the bonds as approved by the voters at the 2018 bond election.

Kimley-Horn is currently working on the preliminary design to deliver the U-Turn and the pedestrian trail as phase one under the Texas Department of Transportation's (TxDOT) Local On-System Improvement Project (LOSA) agreement approved by City Council on August 4, 2020 (M&C 20-0501).

For phase two of the project, staff will be pursuing federal participation to construct median improvements which will require the execution of an Advance Funding Agreement (AFA) with TxDOT. The goal of Amendment No. 1 is to design phase 1 and phase 2 which both require significant coordination with TxDOT that were not anticipated in the original contract but will contribute to the completion of this project.

Kimley-Horn proposes to complete the additional work for a fee not-to-exceed \$700,000.00. Staff considers the fee to be fair and reasonable for the scope of services proposed. The following table summarizes services for the project.

|  |  |  |  |
|--|--|--|--|
| Summary of Engineering Services for Contract No. 51189 |  |  |  |
|  |  |  |  |

| <b>Contract</b>  | <b>Description</b>  | <b>Amount</b> | <b>Total Contract Amount</b> | <b>M&amp;C No.</b> |
|------------------|---|---------------|------------------------------|--------------------|
| Awarded Contract | <i>Professional Engineering Services for Original 2018 Bond Scope</i> | \$432,000.00  | \$432,000.00                 | M&C C-28764        |
| Amendment No. 1  | <i>Professional Engineering Services for Revised 2018 Bond Scope</i>  | \$700,000.00  | \$1,132,000.00               | This M&C           |

Kimley-Horn is in compliance with the City's BDE Ordinance by committing to 15.2% SBE participation on this project. The City's SBE goal on this project is 15.0%. The total project budget estimate for constructing phase one and phase two is approximately, \$2.2M and \$3.4M, respectively, for a total project estimate of \$5.6M. The following table demonstrates the funding history for the project:

| <b>Fund</b>                            | <b>Appropriation Amount</b> | <b>Project Total</b>  |
|--|-----------------------------|-----------------------|
| 2018 Bond Program - 34018              | \$1,800,000.00              | \$1,800,000.00        |
| 2007 Critical Capital Projects - 39001 | \$1,196,851.90              | \$1,196,851.90        |
| <b>Project Total:</b>                  |                             | <b>\$2,996,851.90</b> |

Funding for phase one was included in the FY2021-2025 Capital Improvement Program in an approximate amount of \$3.0M. An estimated federal amount of \$3.4M will be requested to complete the physical construction of the phase two. The action in this M&C will amend the FY2021-2025 Capital Improvement Program as approved in connection with Ordinance 24446-09-2020.

**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are available in the current capital budget, as previously appropriated, in the 2018 Bond Program Fund for the NW Loop 820 & Marine Creek Parkway project to support the approval of the above recommendation and execution of the amendment for the professional services 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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