

# Mayor and Council Communication

**DATE:** 09/14/21

**M&C FILE NUMBER:** M&C 21-0688

**LOG NAME:** 60RATIFY NE28THST EMER REPAIR - KHA - CIRCLEC

**SUBJECT**

(CD 4 and CD 9) Ratify Emergency Contracts with Kimley-Horn and Associates, Incorporated and William J. Schultz, Incorporated DBA Circle C Construction Company in the Final Amounts of \$212,745.00 and \$2,666,679.00, Respectively, for Emergency Water and Sanitary Sewer Main Replacement Work on North East 28<sup>th</sup> Street from Union Pacific Railroad Right-of-Way to Bonnie Brae Avenue and Adopt Attached Appropriation Ordinance

**RECOMMENDATION:**

It is recommended that the City Council:

1. Ratify City Secretary Contract No. 54532, an emergency agreement with Kimley-Horn and Associates, Incorporated in the amount of \$212,745.00 and City Secretary Contract No. 54533, an emergency agreement William J. Schultz, Incorporated DBA Circle C Construction Company in the amount of \$2,666,678.70 both for emergency water and sanitary sewer main replacement work on North East 28<sup>th</sup> Street from Union Pacific right-of-way to Bonnie Brae Avenue; and
2. Adopt the attached appropriation ordinance increasing receipts and appropriations in the Water & Sewer Capital Projects Fund in the total amount of \$2,879,154.00, from available funds, for the North East 28th Street Water and Sanitary Sewer Main Replacement project (City Project No. 102735).

**DISCUSSION:**

On September 4, 2020, Water Field Operations responded to a sanitary sewer overflow (SSO) on sewer lateral L-3021 located on North East (NE) 28<sup>th</sup> Street west of Bonnie Brae Avenue. A follow up investigation revealed that a Texas Department of Transportation (TXDOT) contractor had inadvertently poured concrete into the manhole while adjusting a sanitary sewer manhole at the NE 28<sup>th</sup> Street and Williams Place intersection prior to repaving NE 28<sup>th</sup> Street. The concrete flowed through L-3021 and into other connecting sewer laterals, thereby significantly reducing their capacity and causing the SSO. The SSO was temporarily stopped and flow was partially restored by Water Field Operations staff. Staff reported the SSO to Texas Commission of Environmental Quality (TCEQ) in accordance with regulatory requirements.

Under an emergency authorization memorandum of September 21, 2020, William J. Schultz, Inc. dba Circle C Construction Company (Circle C) was engaged for the replacement of the sanitary sewer mains (City Secretary Contract No. 54533) with emergency engineering/design performed by Kimley-Horn and Associates, Inc. (KHA) under City Secretary Contract No. 54532. To facilitate the repairs, certain water mains within the project limits were also required to be relocated. Contract 54533 was subsequently revised by two change orders that provided for increased and additional work scope. The total cost for both of these contracts was \$2,879,153.70, which is fair and reasonable for the work performed. Upon ratification of these contracts, staff will close them out.

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.

Appropriations for emergency repair contracts 54532 and 54533 are depicted below:

Fund	Existing Appropriations	Additional Appropriations	Project Total*
W&S Capital Projects - Fund 56002	\$0.00	\$2,879,154.00	\$2,879,154.00
Project Total	\$0.00	\$2,879,154.00	\$2,879,154.00

\*Numbers rounded for presentation purposes.

This project was located in COUNCIL DISTRICTS 4 and 9.

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 Unspecified-All Funds within the W&S Capital Projects 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 28th St. Water & SS Main REPL project. Prior to an expenditure being incurred, the Water Department has the responsibility of verifying the availability of funds.

**Submitted for City Manager's Office by:** Dana Burghdoff 8018

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