

# Mayor and Council Communication

**DATE:** 05/23/23

**M&C FILE NUMBER:** M&C 23-0433

**LOG NAME:** 20SWM LEBOW ENGINEERING SERVICES

## **SUBJECT**

(CD 2 / Future CD 2) Authorize Execution of an Engineering Services Agreement with Freese and Nichols, Inc. in the Amount of \$1,000,000.00 for Project Development and Design Services for the Lebow Channel Flood Mitigation Project (2023 Bond Program)

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## **RECOMMENDATION:**

It is recommended that the City Council authorize execution of an engineering services agreement with Freese and Nichols, Inc. in the amount of \$1,000,000.00 for project development and design services for the Lebow Channel Flood Mitigation Project (City Project No. 103061).

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## **DISCUSSION:**

The purpose of this Mayor and Council Communication (M&C) is to authorize execution of an engineering services agreement with Freese and Nichols, Inc. in the amount of \$1,000,000.00 for task order development and design services for the Lebow Channel Flood Mitigation Project (City Project No. 103061).

The Lebow Channel area is a critical and high priority for flood mitigation. Five fatalities have occurred between 1989 and 2004. The area has a history of frequent structure, property and roadway flooding. In the Upper Lebow area (north of Long Avenue), there are eight hazardous roadway overtopping locations and over 200 structures within the FEMA floodplain. In this area, the Stormwater Program has documented roughly 25 instances of structure flooding (with two areas being identified as repetitive loss areas per FEMA guidelines) as well as 2 high-water rescues.

During the August 21-22, 2022 storm event, all eight crossing were overtopped and 16 structures were reported as flooded. Based on community outreach and engineering modeling, staff believes there is significantly more flooding in the area than has been reported. The City developed an overall concept plan for the Lebow watershed and has worked on it since 2001, implementing three Hazardous Roadway Overtopping Mitigation (HROM) projects, channel restoration projects, property buyouts and road closures in an effort to mitigate flooding and life safety hazards. To date, with the exception of some of the buyouts, most of the improvements have taken place in Lower Lebow (south of Long Avenue)

The work in this engineering contract will continue implementation of the overall schematic plan but will be focused in the Upper Lebow area. The contract is a task order contract, and task orders will be issued as the work advances. The cost of each task order will be based on an agreed-upon scope and the hours worked at agreed-upon hourly rates. Staff considers the proposed hourly rates to be fair and reasonable for the size and complexity of the contemplated projects. The work will ultimately include project development, defining the feasible project phases, preparing an overall implementation plan and schedule, identifying and mitigating risks for each phase, preparing engineering plans for construction, and construction phase services. This initial agreement will be amended as additional funds become available, and the project scope becomes more defined.

In January 2023, the Transportation and Public Works Department (TPW), Capital Delivery Division, published a Request for Qualifications (RFQ) for Lebow Channel Flood Mitigation Engineering services. Nine consultants responded to the RFQ for the Project Development and Design Services with Statements of Qualifications (SOQ). An evaluation team of City staff subject matter experts from the Capital Delivery and Stormwater Divisions of TPW scored the SOQ's based on company experience, project manager experience, prior projects, and work type and project understanding. Respondents to the RFQ were scored, and, based on this scoring, Freese and Nichols, Inc. was selected as the most qualified consultant to perform project development and design services for this project.

Funding for this project was included in the 2023 Stormwater Revenue Bond adopted via M&C 23-0274. Funds are anticipated to be available on June 15, 2023. Funds will not be encumbered or expended until they are available from the bond sale. This task order contract will serve current and future capital projects as-needed, and a funds availability verification will be performed by Transportation & Public Works Contract Compliance Managers prior to task order assignment.

Business Equity Office: Freese and Nichols, Inc. is in compliance with the City's Business Equity Ordinance by committing to 11% MWBE participation on this project. The City's MWBE goal on this project is 11%.

This project is located in COUNCIL DISTRICT 2/FUTURE COUNCIL DISTRICT 2.

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## **FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds will be available after the sale of bonds in the capital budget in the Drainage Rev Bond Series 2023 Fund for the Lebow Channel Flood Mit project to support the approval of the above recommendation and execution of the agreement. Prior to an expenditure being incurred, the Transportation and Public Works Department has the responsibility of verifying the availability of funds.

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Expedited