

A U S T I N C I T Y C O U N C I L

AGENDA

Thursday, February 01, 2007

 + [Back](#) [Print](#)**Public Works
RECOMMENDATION FOR COUNCIL ACTION****ITEM No. 22**

Subject: Approve the ratification of the construction contract with KEYSTONE CONSTRUCTION INC , Austin, TX, for emergency construction of the Austin Clean Water Program' Harold Court Wastewater Repair Project in the amount of \$142,128.70.

Amount and Source of Funding: Funding is available in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility

Fiscal Note: A fiscal note is attached.

**Additional Backup
Material**

(click to open)

- ☐ [AFFIDAVIT](#)
- ☐ [MAP](#)
- ☐ [Water & Wastewater
Commission Rec.](#)
- ☐ [AWU Fiscal Note](#)
- ☐ [Ratification Memo](#)

For More Information: Karen Poff 479-1630, Gopal Guthikonda 703-6649, Stan Evans 479-1636, Laura Bohl 974-7064.

Boards and Commission Action: Recommended by the Water and Wastewater Commission

This project to repair a collapsed wastewater line was executed on an emergency basis. Emergency Requests for Council Action are submitted by requirement to Council after completion of the work to ensure that all components associated with the emergency are included in the request

On June 8, 2005, the Austin Water Utility executed an Emergency Purchase Affidavit declaring a collapsed wastewater line and consequent untreated sewage overflow into a creek channel south of Harold Court a threat to public health and safety. Immediate action was required. The project involved replacement of approximately 70 linear feet of 8-inch diameter wastewater line and the construction of two new manholes in the creek channel. Ten potential bidders were contacted to bid on the emergency repair. Six bidders attended the pre-bid meeting. No bids were submitted. An addendum was issued to the six contractors extending the bid preparation period by two weeks. Two bids were received from Keystone Construction Inc for \$166,100 and from McLean Construction for \$324,980. There were no MBE/WBE goals established due to the emergency nature of the work. The final contract amount was \$142,128.70. The project has recently reached completion.

The emergency repair was beyond the capability of the Utility's workforce.

STATE OF TEXAS }
COUNTY OF TRAVIS }

EMERGENCY PURCHASE AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared Chris Lippe who being by me first duly sworn, upon oath depose and stated: 'My name is Chris Lippe, I am over eighteen (18) years of age. I am the Director of the City of Austin Water and Wastewater Utility. I have personal knowledge of the facts set forth below and am competent and authorized to make this affidavit

A section of 8-inch diameter ductile iron wastewater main in a creek channel south of Harold Court has been damaged by equipment or overburden material associated with landfill activities west of the East Service Center. This damage has caused the overflow of untreated sewage. As a temporary measure, the Austin Water Utility is currently pumping wastewater from an upstream manhole on a daily basis to prevent additional overflows. In order to permanently repair this segment of pipe, approximately 60 linear feet of wastewater main and one manhole needs to be replaced. Due to the depth of the wastewater main and its location in a creek channel, the scope of the repairs is beyond the capabilities of the Utility's workforce.

The situation described above is a threat to public health and safety that requires the immediate appropriation of money to be resolved. I believe that the time required to allow competition would place the municipality's residents or property in further danger and that my fiduciary responsibilities to the City of Austin require that the emergency purchase of repair services be made immediately. "Further Affiant sayeth not."

Chris Lippe
Signature

Chris Lippe
Print Name

STATE OF TEXAS }
COUNTY OF TRAVIS }

BEFORE ME, the undersigned notary public, personally appeared Chris Lippe (the "claimant") known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that Claimant executed the same for the purpose and consideration therein expressed, in the capacity therein stated, and that each and every statement therein is within Claimant's knowledge and is true and correct.

Given under my hand and seal of office on the 8th day of June 2005.

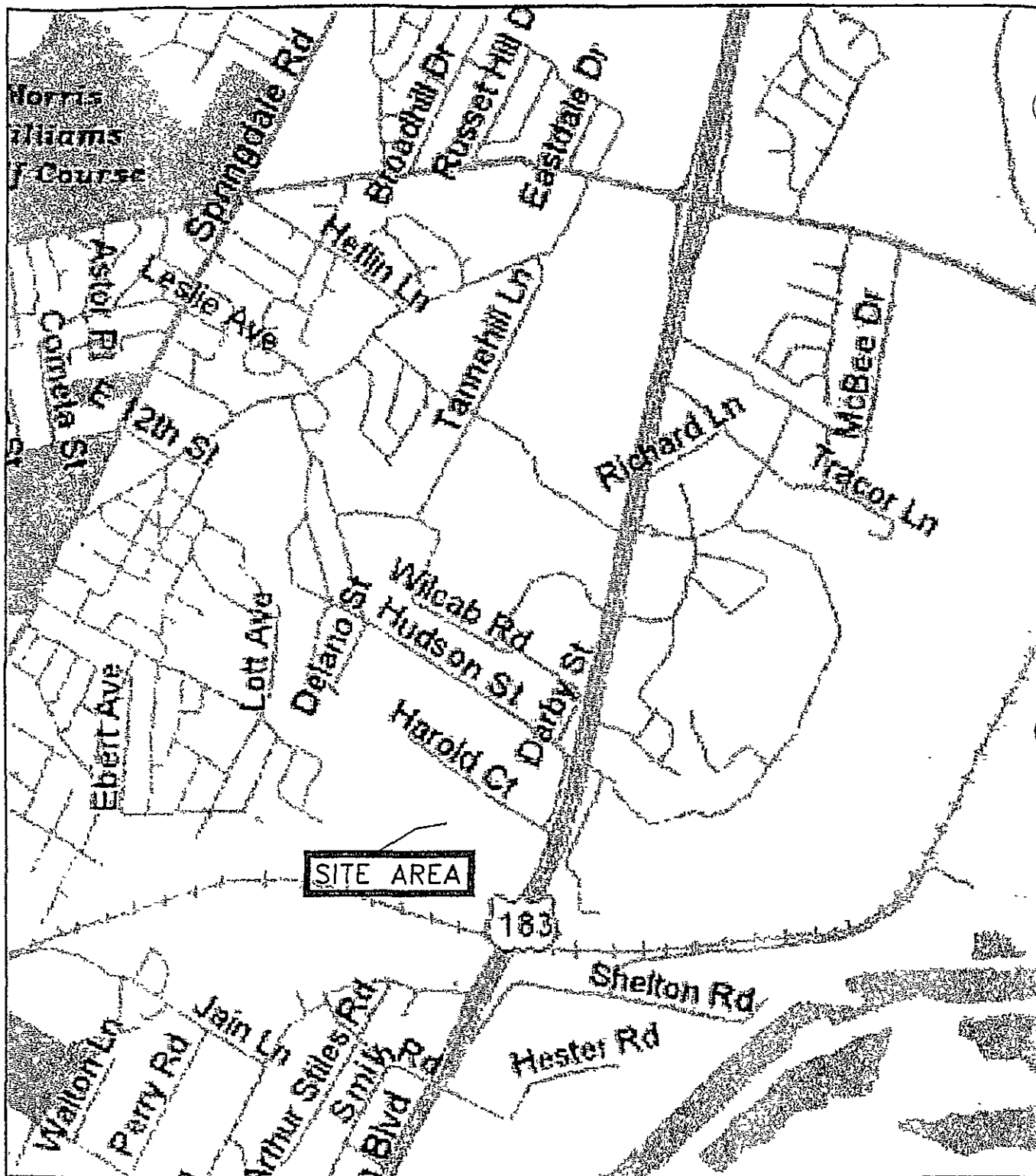


LAURA WILEY
NOTARY PUBLIC
STATE OF TEXAS
MY COMMISSION EXPIRES
APRIL 17, 2008

Laura Wiley
NOTARY PUBLIC, STATE OF TEXAS

LAURA WILEY
Printed Name of Notary

My Commission Expires: 4-17-2008



BASE MAP SOURCE: MAPQUEST



QUADRANGLE LOCATION



ASSOCIATES

SCALE: N.T.S.

DATE: 05/23/05

DRAWN BY: JS	PROJ. CHK: JS	APPRV. BY: JG
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VICINITY MAP
HAROLD COURT EMERGENCY REPAIR
AUSTIN, TEXAS

PROJECT NO.:
AG 05 12120

DRAWING NO.:
VICINITY

PLATE 1



MEMORANDUM

TO: Mayor and Council Members
FROM: Michael Warner, Chairperson
Water and Wastewater Commission
DATE: December 20, 2006
SUBJECT: Water and Wastewater Commission Resolutions

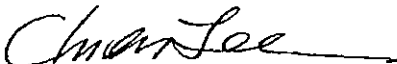
Attached are the Water and Wastewater Commission resolutions that passed at the December 20, 2006 regular meeting. The resolutions are briefly listed below.

- 122006-A Commission Recommendation Authorize execution of a construction contract with MCLEAN CONSTRUCTION, LTD., Killeen, TX, for the construction of the Nagle Annexation Wastewater Improvements Project in an amount not to exceed \$474,759.50
- 122006-B Commission Recommendation Authorize negotiation and execution of an amendment to the professional services agreement with NAVIGANT CONSULTING, INC., Atlanta, GA, for forensic services to examine and analyze project scheduling for the Ullrich Water Treatment Plant Expansion to 160 million gallons per day (MGD) Project in an amount of \$200,000 for a total contract amount not to exceed \$369,000.
- 122006-C Commission Recommendation Authorize negotiation and execution of a professional services agreement with LOCKWOOD, ANDREWS and NEWNAM, INC., Austin, TX, for preliminary engineering services for the Lost Creek Wastewater Pump Over Project in an amount not to exceed \$300,000.
- 122006-D Commission Recommendation Authorize execution of a construction contract with BRH-GARVER CONSTRUCTION, LP (NON M/WBE 6%), Houston, TX, for Walnut Creek Service to Annexed Areas Project B in the amount of \$6,384,876 plus a \$319,244 contingency, for a total contract amount not to exceed \$6,704,120.

- 122006-E Commission Recommendation Ratify construction contract with KEYSTONE CONSTRUCTION, INC, Austin, TX, for construction of the Austin Clean Water Program: Harold Court Wastewater Repair Project in the amount of \$142,128.70
- 122006-F Commission Recommendation Authorize execution of a construction contract with EXCEL CONSTRUCTION SERVICES, LLC for the construction of reliability and capacity improvements to both the Forest Ridge and Four Points Pump Stations in the amount of \$578,800 plus a \$60,000 contingency, for a total contract amount not to exceed \$638,800.
- 122006-G Commission Recommendation Authorize execution of a construction contract with SMITH CONTRACTING CO., INC., Austin, TX, for wastewater construction on the Austin Clean Water Program Govalle 5 - Johnson Creek Project in an amount not to exceed \$926,844.45.
- 122006-H Commission Recommendation Authorize the City Manager to negotiate and execute an agreement with Aqua Utilities, Inc. dba Aqua Texas, Inc. to provide wholesale water service to the Morningside subdivision located near the intersection of Manchaca Road and Morningside Lane.
- 122006-I Commission Recommendation Authorize the City Manager to negotiate and execute an agreement with Wells Branch Municipal Utility District and Dartagnan Partners, Limited Partnership, through its Austin Bell Tower Investment Company, to provide pass-through wastewater service to the Technopolis tract located near the intersection of FM 1325 and Merriltown Drive
- 122006-J Commission Recommendation Approve Service Extension Request No. 2565 by SUN NLF LIMITED PARTNERSHIP for water service not to exceed a peak hour flow of 176 gallons per minute (gpm) for a platted 80 lot single-family home development located within the Drinking Water Protection Zone in the City's extraterritorial jurisdiction at Circle Drive and Lenape Trail
- 122006-K Commission Recommendation Approve Service Extension Request No. 2557 by ENRIQUE VARA for water service not to exceed a peak hour flow of 2 gallons per minute (gpm) for an existing single-family home located within the Drinking Water Protection Zone in the City's limited-purpose jurisdiction at 10303 North F.M. 620.

Water and Wastewater Commission Resolution
December 20, 2006

122006-L	Commission Recommendation	Authorize execution of a construction contract with PEABODY GENERAL CONTRACTORS , INC, Dripping Springs, TX, for the Dessau Wastewater Treatment Plant Fish Tract Lift Station Project in the amount of \$488,000 plus a \$48,800 contingency, for a total contract amount not to exceed \$536,800
122006-M	Commission Recommendation	Approve an ordinance amending Title 15 of the City Code to add Chapter 15-11 relating to private sewer lateral lines; creating an offense; and repealing Article 10 of Chapter 15-10 of the City Code relating to wastewater leaks
122006-N	Commission Recommendation	Authorize negotiation and execution of a 12-month service agreement with VELOCITY CREDIT UNION for the Austin Clean Water Program's Private Lateral Sewer Lateral Low Interest Loan Program in an amount not to exceed \$700,000, with two 12-month extension options in an amount not to exceed \$700,000 per extension option for a total agreement not to exceed \$2,100,000


For Michael Warner, Chairperson
Water and Wastewater Commission

Attachments

CAPITAL IMPROVEMENT BUDGET FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

01/25/07
Resolution
Austin Water Utility

DESCRIPTION:


Ratify construction contract with Keystone Construction Inc , PO Box 160938 Austin, Texas, 78716-0938 for construction of the Austin Clean Water Program Harold Court Wastewater Repair Project in the amount of \$142,128 70

FINANCIAL INFORMATION:

Project Name	ACWP- Harold Court Emergency WW Repair
Fund	4570
Department	2307
Unit	4584

Current Appropriation	\$	280,000 00
Unencumbered Balance	\$	170,682 91
Less Outstanding Commitments		0 00
Amount of This Action		<u>(142,128 70)</u>
Remaining Balance	\$	<u>28,554 21</u>

Utility Finance



David Anders, Utilities Finance Manager

Date

1/9/07



MEMORANDUM

TO: Mayor and City Council Members
FROM: Rudy Garza, Assistant City Manager
DATE: January 26, 2007
SUBJECT: Ratification RCA for the Austin Clean Water Program: Harold Court Emergency Wastewater Repair Project – 2/01/07 Council Agenda

This is to provide you with further information concerning the ratification RCA for execution of an emergency repair contract in the amount of \$142,128.70, with Keystone Construction Inc , for the Austin Clean Water Program: Harold Court Emergency Wastewater Repair Project that is on the February 1, 2007 Council Agenda.

The Harold Court Wastewater Line Improvement project was identified as part of the Austin Clean Water Program (ACWP) While the project was being designed, the existing 8-inch diameter ductile iron wastewater main in a creek channel south of Harold Court collapsed causing the overflow of untreated wastewater creating a threat to public health and safety. Due to shifting soils in the area, the depth of the wastewater main and its location in a creek channel, the scope of the repairs was beyond the capabilities of the Utility's workforce. As a temporary measure, the Austin Water Utility pumped wastewater from an upstream manhole on a daily basis to prevent additional overflows

In June 2005, the Austin Water Utility issued an Emergency Purchase Affidavit to repair the section of 8-inch pipe that has collapsed ACWP put together the bid documents, invited bids from the contractors and awarded to the lowest bidder. The majority of the work was completed to take care of the immediate emergency and to alleviate the pumping of wastewater on a daily basis. The contractor delayed in completing several required items as required by the contract These items were finally completed and the final pay application was processed on October 31, 2006.

There was a staff misunderstanding on the ratification procedure, which caused the project RCA to be delayed in going to the City Council until now. The Ratification RCA is coming to Council now as the ACWP Project Management Consultant and staff of the Austin Water Utility believed that Council authorization for emergency ratifications is required after the work is completed, which occurred in late October. We realize this was an oversight of procedures.

To correct the oversight of procedures, we have clarified for everyone, including ACWP Project Management and AWU staff the proper procedures to process an Emergency Affidavit and provided all the Project Managers with a copy of the Emergency Affidavit procedures document.

Please let me know if you have any questions concerning this matter or if you would like a more in-depth briefing.



Rudy Garza
Assistant City Manager

xc: Toby Futrell, City Manager
David Smith, City Attorney
Sondra Creighton, Director Public Works
Perwez Moheet, Acting Director AWU