

## AGENDA



Thursday, August 19, 2010

**Austin Water Utility  
RECOMMENDATION FOR COUNCIL ACTION****Item No. 2**

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**Subject:** Authorize negotiation and execution of an agreement with WINKLEY ENGINEERING, INC., for purchase of the approved construction plans for the South I-35 Water and Wastewater Infrastructure Improvements Program, Segment 10, Bradshaw Road at River Plantation Drive to end of future Pleasant Valley Road, 42-Inch Water Main in amount not to exceed \$325,000.

**Amount and Source of Funding:** Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility.

**Fiscal Note:** A fiscal note is attached.

**For More Information:** Seyed Miri, P.E. 972-0202; Denise Avery 972-0104

**MBE/WBE:** This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owner Business Enterprise Procurement Program). Since this contract is for the completion of services provided through a Service Extension Reimbursement Agreement, no subcontracting opportunities were identified.

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

**Prior Council Action:** December 18, 2008 – Council approved the Fox Hill Developer Agreement

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The City Council approved the negotiation and execution of a cost reimbursement agreement with ONION ASSOCIATES, LTD (the "Developer") of Fox Hill Subdivision (now known as Cascades at Onion Creek), on December 18, 2008, with City cost reimbursement not to exceed \$3,737,500.00 for the actual hard construction costs of approximately 4,550 linear feet of 42-inch water main and appurtenances to provide service to approximately 214 acres of single and multi-family development located east of South IH-35, south of Onion Creek and west of Bradshaw Road (the "Property") and the surrounding area. This action also approved cost reimbursement for engineering, design and project management "soft" costs of the 42-inch water main and appurtenances for a total not to exceed 15% of the actual construction costs of the 42-inch water main and appurtenances or \$560,625, whichever is less.

The Developer hired Winkley Engineering, Inc. to complete the design of the 42-inch water main and appurtenances. At the time, the 42-inch water main and appurtenances had been identified to be part of the South I-35 Water and Wastewater Infrastructure Improvements Program.

The design, construction plans, and specifications are now complete and permitted. The City recently advertised and opened the bids for the water project and has tentatively selected the lowest responsible bidder. A request for Council action on the authorization and execution of a construction contract with the lowest responsible bidder has been placed on hold until the payment of the design, construction plans, and specifications to Winkley Engineering, Inc. have been resolved.

The City initiated discussions with the Developer to resolve this matter; however the City has been told by the Developer that he is unable to pay Winkley Engineering, Inc. for the design, construction plans, and

specifications. As a result, paying for the design, construction plans, and specifications through the developer reimbursement approach authorized by Council is not possible.

This authorization will enable the City to negotiate and execute an agreement with Winkley Engineering, Inc. for the purchase of the design, construction plans, and specifications for the 4,550 linear feet of 42-inch water main and appurtenances.