



MEMORANDUM

TO: Mayor and Council

FROM: Robert D. Goode, P.E., Assistant City Manager

DATE: October 24, 2012

SUBJECT: William Cannon Bridge over Onion Creek Phase II - Emergency Change Order for Inlet Repair

cc: Marc A. Ott, Howard Lazarus, Keri Juarez, Rosie Truelove, Rob Spillar, Louis Lindsey, Yuejiao Liu

att: Memo
Emergency Affidavit

The William Cannon Bridge over Onion Creek Phase II project, which started construction in April 2011, will add a new three lane structure with sidewalk and bike lane on East William Cannon Drive crossing Onion Creek. The contractor is Chasco Contracting and the initial contract amount for the project was \$2,359,048.50.

In March 2012, when construction was approximately 90% complete, a newly built 15-foot storm drain inlet started to subside. The project team investigated the failure and developed a repair plan. It was initially thought that the repair could be implemented within the approved Council authority. However, the repair cost is now estimated at \$237,000, which exceeds the approved Council authorization and administrative authority by \$30,000. The Public Works Department is actively pursuing cost recovery from the initial contractor who installed the storm drain.

The inlet repair and related work should be done as soon as possible in order to prevent undermining of the surrounding pavement and possible pavement failures that would impact public safety. The Austin Transportation Department has issued an emergency Purchase Affidavit to facilitate the expedited repair work. A Request for Council Action to ratify the additional authority for this emergency change order will be presented to Council at the November 8 Council meeting. If you have any questions or if there is any additional information I can provide, please do not hesitate to contact me.



MEMORANDUM

TO: Robert Goode P.E., Assistant City Manager

FROM: Howard Lazarus, P.E., Director
Public Works Department

DATE: September 14, 2012

SUBJECT: Request for authorization to execute emergency change order for the Repair of inlet and additional erosion control

The City of Austin's Public Works Department manages the William Cannon Bridge over Onion Creek Phase II project, which is sponsored by the Austin Transportation Department. Construction of this project started in April 2011 and reached 90% completion in March, 2012, when a newly built 15' storm inlet started sinking. The Public Works Department project team investigated the failure and developed a repair plan with the project design consultant. The cost of repair and additional rock rip rap and erosion control requested by the Public Works Department Street & Bridge Division is estimated at \$237K, while the project has \$207K council authority and administrative authority left. Funding is available in the project FDU to cover this additional cost but the project needs to increase the spending authority in order to process this emergency change order.

The inlet repair and erosion control needs to be done as soon as possible for public safety reasons. Since the inlet has been taken out two and a half months ago for investigation, the surrounding pavement will be undermined if left unattended for a long time, which may cause additional pavement failure and impact public safety. At the same time, we have received a large numbers of citizen calls asking why the bridge is still not open. The inlet needs to be repaired before we can open the bridge. We are requesting permission to declare the situation as an emergency.

Austin Transportation Department will issue an Emergency Purchase Affidavit to facilitate the expedited schedule for the necessary repairs.

cc: Marc Ott, City Manager
Keri Juarez P.E., Assistant Director, Public Works
Yuejiao Liu, P.E., Project Manager, Public Works

STATE OF TEXAS

COUNTY OF TRAVIS

EMERGENCY PURCHASE AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared Robert Spillar, who being by me first duly sworn, upon oath deposed and stated:

"My name is Robert Spillar. I am over eighteen (18) years of age. I am the Director for the Austin Transportation Department of the City of Austin, Texas. I have personal knowledge of the facts set forth below and am competent and authorized to make this affidavit.

THE CITY OF AUSTIN'S PUBLIC WORKS DEPARTMENT MANAGES THE WILLIAM CANNON BRIDGE OVER ONION CREEK PHASE II PROJECT, WHICH IS SPONSORED BY THE AUSTIN TRANSPORTATION DEPARTMENT. CONSTRUCTION OF THIS PROJECT STARTED IN APRIL 2011 AND REACHED 90% COMPLETION IN MARCH, 2012, WHEN A NEWLY BUILT 15-FOOT STORM INLET STARTED SINKING. THE PUBLIC WORKS DEPARTMENT PROJECT TEAM INVESTIGATED THE FAILURE AND DEVELOPED A REPAIR PLAN WITH THE PROJECT DESIGN CONSULTANT. THE COST OF REPAIR AND ADDITIONAL ROCK RIP RAP AND EROSION CONTROL REQUESTED BY THE PUBLIC WORKS DEPARTMENT STREET & BRIDGE DIVISION IS ESTIMATED AT \$237,000, WHILE THE PROJECT HAS ONLY \$207,000 COUNCIL AUTHORITY AND ADMINISTRATIVE AUTHORITY REMAINING.

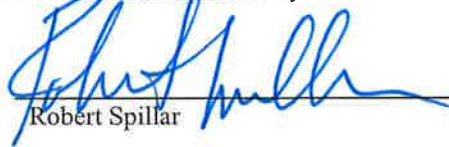
THE INLET REPAIR NEEDS TO BE DONE AS SOON AS POSSIBLE FOR PUBLIC SAFETY REASONS. BECAUSE THE INLET WAS REMOVED TWO-AND-A-HALF MONTHS AGO FOR INVESTIGATION, THE SURROUNDING PAVEMENT WILL BE UNDERMINED IF LEFT UNATTENDED FOR A LONG TIME. THIS DELAY IS EXPECTED TO CAUSE ADDITIONAL PAVEMENT FAILURE AND IMPACT PUBLIC SAFETY. MEANWHILE, THE CITY OF AUSTIN HAS RECEIVED A LARGE NUMBER OF CITIZEN CALLS ASKING WHY THE BRIDGE IS STILL NOT OPEN; THE INLET NEEDS TO BE REPAIRED BEFORE THE CITY OF AUSTIN CAN OPEN THE BRIDGE.

"The situation described above is a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality. I am familiar with state and local laws relating to competition and bidding requirements and realize that willful violations of these laws can subject me to criminal sanctions. I understand further that the Charter of the City of Austin does not exempt emergency purchases from the requirement for competition. However, 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 requires that this action ~~be taken~~ immediately."

"Further Affiant sayeth not."

Affiant:

Name: Robert Spillar

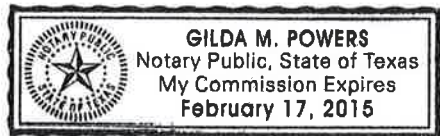


STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, the undersigned notary public, personally appeared Robert Spillar (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 the Claimant's knowledge and is true and correct.

Given under my hand and seal of office on the 14 day of September, 2012.



Gilda M. Powers
NOTARY PUBLIC, STATE OF TEXAS

Printed Name of Notary

My Commission Expires:

GILDA m. Powers

February 17, 2015