



## Recommendation for Action

**File #:** 19-3843, **Agenda Item #:** 5.

2/6/2020

### **Posting Language**

Authorize negotiation and execution of an amendment to the professional services agreement with Freese and Nichols, Inc., for additional design and construction phase services for the Martin Luther King Jr. Boulevard Transit Oriented Development Stormwater Conveyance project in the amount of \$900,000, for a total contract amount not to exceed \$3,300,000.

[Note: This amendment will be awarded in compliance with City Code 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date is 15.84% MBE and 17.14% WBE.]

### **Lead Department**

Capital Contracting Office

### **Managing Department**

Public Works Department

### **Fiscal Note**

Funding in the amount of \$900,000 is available in the Fiscal Year 2019-2020 Capital Budget of the Watershed Protection Department.

### **Purchasing Language:**

Original contract was awarded through a qualifications-based selection process.

### **Prior Council Action:**

November 29, 2018 - Council approved an Amendment for Additional Design Services.

August 3, 2017 - Council approved an Amendment for Additional Design Services and Construction Phase Services.

February 13, 2014 - Council approved a professional services agreement with Freese and Nichols, Inc., for the Martin Luther King Jr. Transit Oriented Development Stormwater Conveyance Improvements project.

### **For More Information:**

Inquiries should be directed to the City Manager's Agenda Office, at 512-974-2991 or [AgendaOffice@austintexas.gov](mailto:AgendaOffice@austintexas.gov) <<mailto:AgendaOffice@austintexas.gov>>.

NOTE: Respondents to this solicitation, and their representatives, shall direct inquiries to Rolando Fernandez, 512-974-7749, Beverly Mendez, 512-974-3596, or the Project Manager, Laurie Thering, 512-974-7035.

### **Additional Backup Information:**

Council adopted a resolution on July 29, 2004, regarding Transit Oriented Development. The Watershed

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Protection Department (WPD) has committed to assist development in Transit Oriented Development (TOD) areas by identifying stormwater infrastructure that is needed. WPD has specifically committed to fund the construction of some of the stormwater infrastructure needed for the Martin Luther King TOD. A preliminary engineering report was completed in December 2012 and is the basis for future design projects for the Martin Luther King TOD. The report documented five systems (phases) with infrastructure needs, identified as Martin Luther King, Airport North, Manor, Airport South, and 12th Street.

This amendment provides additional authorization for professional engineering services needed due to circumstances that have increased the cost of the project, including adjusting plans based on other development in the area, other City initiatives, and identification of private underground utilities not previously disclosed.

This amendment is time sensitive as construction phase services are needed in parallel to the construction contract which is anticipated to go to construction in February 2020 if awarded by Council. If construction does not begin by this time the project will require a variance from the congestion action plan as construction requires use of private property for a temporary travel lane and that property has an approved site plan and intends to start construction in 2020.

Travel on MLK Jr. Boulevard between the Alexander Avenue and the Capital Metro Red Line will be reduced to one lane in each direction until subsurface utilities are installed.

This amendment has been approved by the City's Change Control Committee. The Change Control Committee was established to comply with Council Resolution No. 20120126-048, which required the establishment of consistent criteria and process to evaluate contractual changes for all contracts administered by the Capital Contracting Office. The Change Control Committee is comprised of management-level subject matter experts.

Freese and Nichols, Inc. is located in Austin, Texas.