



Recommendation for Action

File #: 20-3533, **Agenda Item #:** 12.

12/10/2020

Posting Language

Authorize award and execution of a construction contract with MAC, Inc., for the Fort Branch Creek - Delores Tributary Waste Removal and Stream Restoration project in the amount of \$3,539,454 plus a \$353,945.40 contingency, for a total contract amount not to exceed \$3,893,399.40.

[Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 12.67% MBE and 0.12% WBE participation.]

Lead Department

Capital Contracting Office

Managing Department

Public Works Department

Fiscal Note

Funding is available in the Fiscal Year 2020-2021 Capital Budget of the Watershed Protection Department.

Purchasing Language:

Lowest responsive bid of four bids received through a competitive Invitation for Bid solicitation.

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>>.

NOTE: Respondents to this solicitation, and their representatives, shall direct inquiries to Rolando Fernandez, 512-974-7749, Garrett Cox, 512-974-9423, or the Project Manager, Craig McColloch, 512-749-3412.

Additional Backup Information:

The Delores Tributary to Fort Branch Creek is located between Lott Avenue and Delores Avenue in east Austin. In early 2010, the Watershed Protection Department removed eight tons of litter and debris during routine cleanup operations and noted material in two areas of the bank that appeared to contain burned debris. Subsequent investigation indicated that approximately 10,000 tons of burned municipal solid waste (MSW) had been placed in these locations with depths up to 20 feet.

The Delores Tributary is bordered by single family residences built in the 1950s. The burned waste was likely deposited before development in the 1940s and into the 1950s. Continued stream erosion will expose more solid waste, therefore the Watershed Protection Department has determined that the waste should be removed from City property and the stream corridor restored to prevent further erosion. While the burned material is not classified as toxic waste, Watershed Protection determined that it should be removed according to Texas Commission on Environmental Quality (TCEQ) standards to prevent heavy metals from impacting surrounding soil and groundwater.

The TCEQ considers this area as a closed landfill and has approved excavation and removal of the burned MSW to a permitted MSW landfill, and backfill with clean soil, along with installation of compacted clay over any remaining MSW.

The goal is to remediate the property so it will not be managed as a landfill in perpetuity. Due to the large volume of MSW anticipated to be removed from the stream, the project will also stabilize the stream bed and banks of the Delores Tributary. The stream stabilization and restoration will protect neighboring properties and resources from future erosion as well as re-establish a natural stream corridor.

Completion of the project will improve in-stream and floodplain habitat, replace and/or cover burned MSW with clean fill to protect public safety, and stabilize the stream channel.

This item includes the following three allowances:

- An allowance of \$8,500 will be used to address a pole protection workplan and coordination with Austin Energy.
- An allowance of \$30,000 will be used to address planting.
- An allowance of \$30,000 will be used to address contaminated soil and water.

An allowance is an amount that is specified and included in the construction contract or specifications for a certain item(s) of work whose details are not yet determined at the time of bidding.

During construction, air quality will be monitored to protect the public and construction personnel during excavation and removal. There will be lane closures for up to six months in the neighborhood. Meetings have been held with residents to inform them of the project.

A delay in approving this item will result in the City being required to manage the area as a landfill in perpetuity with burned MSW exposed on City property if this contract is not approved.

Due to the potential for unforeseen conditions with excavation, a 10% contingency in funding has been included to allow for the expeditious processing of any change orders. A contingency is an additional amount of money added to the construction budget to cover any unforeseen construction costs associated with the project. By authorizing additional contingency funding, Council is authorizing any change orders within the contingency amount.

The contract allows 120 calendar days for completion of this project. This project is located within zip code 78721 (District 1).

MAC, Inc. is located in Austin, TX.

Strategic Outcome(s):

Safety; Health and Environment