



## Recommendation for Action

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**File #:** 21-2027, **Agenda Item #:** 10.

6/10/2021

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### **Posting Language**

Authorize execution of change order #8 to the construction contract with M.A. Smith Contracting Company, Inc., for the Boggy Creek - MLK TOD Stormwater Conveyance Improvements Phase 1 project in the amount of \$503,434.95, for a total contract amount not to exceed \$3,466,718.44.

[Note: This change order was awarded in compliance with City Code 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date 9.99% MBE and 2.32% WBE.]

### **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:**

Original contract was awarded through a competitive Invitation for Bid solicitation process.

### **Prior Council Action:**

February 20, 2020 - Council approved a construction contract with M.A. Smith Contracting Company, Inc., for the Boggy Creek-MLK TOD Stormwater Conveyance Improvements Phase 1 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; Garrett Cox, 512-974-9423; or the Project Manager, Laurie Thering, 512-974-7035.

### **Additional Backup Information:**

As part of the Transit Oriented Development Ordinance No. 20050519-008, the Watershed Protection Department identified needed stormwater infrastructure improvements in East Martin Luther King Jr. (MLK) Boulevard near the Capital Metropolitan Transportation Authority (Capital Metro) Red Line crossing.

In anticipation of a future storm drain improvement project, during the original construction of the Red Line crossing portions of needed stormwater infrastructure improvements were constructed, but not placed in service. This project incorporates the previously completed portions with new storm drain sections to complete a portion of the overall planned improvements.

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The work includes installation of approximately 139 linear feet of concrete box culvert, 140 linear feet of bored water and wastewater main, 635 linear feet of water and wastewater main, six manholes, and other miscellaneous items.

Prior change orders addressed unforeseen subsurface conditions not shown on the available as-built plans, and additional required coordination with Capital Metro.

Change Order #8 will address unforeseen subsurface conditions associated with the wastewater main in MLK Boulevard passing under the Capital Metro Red Line tracks. The unforeseen subsurface conditions require a major change in the contractor's means and methods and revisions to their trench protection and confined space plan.

This project is primarily in the City of Austin right-of-way and on temporary easements. During construction, traffic on MLK Boulevard will be limited to one lane eastbound and one lane westbound.

It is important to avoid prolonging construction duration for this project and the impact on this roadway. Further delays could cause significant disruption of traffic along this critical arterial roadway, increase public risk, and increase impacts to the businesses in the area.

This change order 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.

The contract allows 639 days for the completion of this project. This project is located within zip code 78702 (District 5).

MA Smith Contracting Company, Inc., is located in Austin, Texas.

**Strategic Outcome(s):**

Mobility; Safety