



Legislation Details (With Text)

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**Title:** AMENDMENT NO. ONE TO CONTRACT K-1516-71: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND FREESE AND NICHOLS INCREASING THE CONTRACT AMOUNT BY \$39,974 FOR A REVISED CONTRACT AMOUNT OF \$286,786 TO PROVIDE ADDITIONAL ENGINEERING SERVICES FOR THE MAY 2015 STORM PERMANENT REPAIR PROJECTS AND BUDGET APPROPRIATION FROM THE CAPITAL FUND BALANCE.

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Date	Ver.	Action By	Action	Result
9/12/2017	1	City Council		

**AMENDMENT NO. ONE TO CONTRACT K-1516-71:** BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND FREESE AND NICHOLS INCREASING THE CONTRACT AMOUNT BY \$39,974 FOR A REVISED CONTRACT AMOUNT OF \$286,786 TO PROVIDE ADDITIONAL ENGINEERING SERVICES FOR THE MAY 2015 STORM PERMANENT REPAIR PROJECTS AND BUDGET APPROPRIATION FROM THE CAPITAL FUND BALANCE.

**BACKGROUND:** From the time period of May 5<sup>th</sup> to May 24<sup>th</sup>, 2015, the City of Norman experienced an EF-1 tornado and multiple flash flooding events. The attached graph prepared by the National Weather Center illustrates a historic level of flooding and rainfall in Norman in May 2015. Over 23 inches of rain fell in Norman in May of 2015, or nearly 10 more inches of rain than the previous May, 1957 rainfall record in Norman of 13.43 inches.

According to the National Weather Center, at least five of those rainfall events in May 2015 involved flash flood conditions. Flash floods can be very damaging to the City’s infrastructure, particularly roads, bridges and stormwater systems. With each flooding event in May 2015, the City encountered more infrastructure damage and road closures. At one point in May, 35 roads were closed to traffic due to damage or high water, with most these roadways located in rural east Norman. The Public Works Department has continually tracked an inventory of damaged roads and bridges. To date, 66 damage locations from the May 2015 storms have been identified (as shown on the attached map). Two new locations associated with this proposed Amendment 1 are Site #3: Franklin Road Culvert Replacement and Site #17: Imhoff Creek Channel Repair.

City staff has worked closely since May 2015 with officials from Oklahoma Emergency Management (OEM), the Federal Emergency Management Agency (FEMA) and Federal Highway Administration (FHWA) regarding storm damage assessments and the potential for state and federal disaster relief financing. Mayor Cindy Rosenthal declared a local disaster by resolution on May 19, 2015. Governor Mary Fallin declared a state disaster by resolution on May 26, 2015. President Barack Obama established a Presidential Disaster Declaration for Cleveland County on May 26, 2015 for the period of May 5-24, 2015, making the City eligible for up to 87.5% reimbursement (75%-federal; 12.5% state) for debris removal from the May 6, 2015 tornado and infrastructure repairs caused by the May 5-24, 2015 floods.

On June 9, 2015, Council approved Contract K-1415-141 with Tetra Tech, Inc. in an amount not to exceed \$500,000, for the Disaster Recovery Management Services related to infrastructure damages sustained in Norman from the May 5-24, 2015 weather events. Due to federal requirements, Tetra Tech is not eligible to prepare engineering plans for the permanent repairs necessary to further the City’s disaster recovery.

On November 24, 2015, City Council approved Contract K-1516-71 with Freese and Nichols to provide engineering design services for five infrastructure damage locations, including the Imhoff Creek Channel Repair Project in the amount of \$246,752.

On September 14, 2016, Travis King, City Fire Chief and Emergency Manager, signed the FEMA Project Worksheet for the Imhoff Creek Channel, which is the funding mechanism for the reconstruction of the damage caused during the May 2015 disasters.

On June 29, 2017, staff conducted a bid opening for the Imhoff Creek Channel repairs and received three contractor bids.

On July 17, 2017, the City Floodplain Permit Committee approved Permit No. 588 for the Imhoff Creek Channel Improvements.

On July 25, 2017, City Council approved Resolution R-1718-9 authorizing the proposed modification of the stream bank for Imhoff Creek Channel Repairs and granting Floodplain Permit No. 588 approved by the City Floodplain Permit Committee on July 17, 2017. In a companion agenda item, Council awarded Contract K-1617-127 to A-Tech Paving for the Imhoff Creek Channel Repair Project in the amount of \$451,245.

**DISCUSSION:** This contract amendment is for design services on two projects including a scope change to Site #17: Imhoff Creek Channel Repair Project and a new permanent repair project Site #3: Franklin Road Culvert Replacement Project, east of 36<sup>th</sup> Avenue NE.

The scope change on Site #17 includes design revisions to incorporate the new channel damage and drop structure design changes that were a direct result of additional damages from spring 2017 rain events. Also, construction phase services have been added to provide periodic support to City staff as needed during construction. FEMA will not reimburse the City for these design costs under the Disaster Recovery Program, since these damages occurred after the disaster period. However, staff has recently been notified that FEMA has agreed to fund this additional work under their Hazard Mitigation Plan (HMP) Program, which will be reimbursed at a rate of 87.5% up to \$110,000. The awarded bid for Alternate A, which was this additional spring 2017 damage, was in the amount of \$109,700. Therefore, staff anticipates reimbursement in the amount of \$95,987.50 for this additional construction work.

Site #3 is a Federal Highway Administration (FHWA) jurisdiction project. FHWA is in the process of reimbursing the City for 100% of the temporary repair costs completed by our Streets Division in the amount of \$46,812.40. They have recently agreed to pay 80% of the permanent repair costs to replace the temporary culvert with a 14' x 8' reinforced concrete box culvert. FHWA will participate financially in design, utility relocations, construction, and construction management all at the 80% participation rate. The reimbursement amount for design costs of \$28,420 will be \$22,736 leaving \$5,684 to be paid by the City.

Currently no funds are available for the design of these projects in the FYE 2018 City Capital Fund. Therefore, the full design amount of \$39,974 (\$11,554 for Site #17 and \$28,420 for Site #3) will need to be appropriated from the Capital Fund Balance (050-0000-253.20-00) into the two project accounts. If approved, the original contract amount with Freese and Nichols of \$246,752 will increase to \$286,726, a 16.2% increase.

Once the construction funds are reimbursed from FEMA in the amount of approximately \$394,000 on Imhoff Creek, the Capital Fund will be reimbursed the borrowed amount.

**RECOMMENDATION NO. 1:** Staff recommends that Council appropriate \$39,974 from the Capital Fund Balance (050-000-253.20-00) designating \$11,554 to Site #17: Imhoff Creek Channel Repair, Design (account 050-9387-419.62-01; project SR0103). and \$28,420 to Site #3: Franklin Road Culvert Replacement Project, Design (account 050-9387-419.62-01; project SR0110).

**RECOMMENDATION NO. 3:** Staff further recommends that Amendment No. One to Contract K-1516-71 with Freese and Nichols, in the amount of \$39,974 be approved.