

## Legislation Details (With Text)

<b>File #:</b>	BILL NO. 21-25	<b>Name:</b>	
<b>Type:</b>	Ordinance - Committee	<b>Status:</b>	Passed
<b>File created:</b>	11/11/2020	<b>In control:</b>	City Council - Regular Session
<b>On agenda:</b>	2/16/2021	<b>Final action:</b>	2/16/2021
<b>Title:</b>	An Ordinance approving a sole source Agreement for Professional Engineering Services for the East Fork of Little Blue Watershed Stormwater Improvement Project by and between the City of Lee's Summit, Missouri, and Allgeier, Martin & Associates, for an amount not to exceed \$158,000.00, and authorizing the City Manager to execute an agreement for the same. (PWC 2-1-21)		
<b>Sponsors:</b>	Public Works Admin & Engineering		
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Ordinance, 2. Agreement (Exhibit 1 to Ordinance), 3. Sole Source Form, 4. AM Sole Source Memo, 5. Stormwater Projects Map - Fall 2020		

Date	Ver.	Action By	Action	Result
2/16/2021	2	City Council - Regular Session	for second reading	Pass
2/16/2021	2	City Council - Regular Session	adopted and numbered	Pass
2/1/2021	2	Public Works Committee	recommended for approval	Pass

An Ordinance approving a sole source Agreement for Professional Engineering Services for the East Fork of Little Blue Watershed Stormwater Improvement Project by and between the City of Lee's Summit, Missouri, and Allgeier, Martin & Associates, for an amount not to exceed \$158,000.00, and authorizing the City Manager to execute an agreement for the same. (PWC 2-1-21)

### Issue/Request:

An Ordinance approving a sole source Agreement for Professional Engineering Services for the East Fork of Little Blue Watershed Stormwater Improvement Project by and between the City of Lee's Summit, Missouri, and Allgeier, Martin & Associates, for an amount not to exceed \$158,000.00, and authorizing the City Manager to execute an agreement for the same.

### Key Issues:

- ☐ Nine property owners within the East Fork of the Little Blue River watershed have certified structural flooding in writing
- ☐ Allgeier, Martin & Associates were previously contracted to conduct survey, stream modeling, and design work within this same watershed as part of the SE 5<sup>th</sup> Terrace street and culvert project that was cancelled
- ☐ The firms previous work in the area gives them specialized knowledge for these projects which will

result in a significant monetary and time savings

- ☐ These projects are funded from the CIP Sales Tax Renewal Fund that was approved by the voters in April 2017 and became effective April 1, 2018

Proposed City Council Motion:

FIRST MOTION: I move for a second reading of an Ordinance approving a sole source Agreement for Professional Engineering Services for the East Fork of Little Blue Watershed Stormwater Improvement Project by and between the City of Lee's Summit, Missouri, and Allgeier, Martin & Associates, for an amount not to exceed \$158,000.00, and authorizing the City Manager to execute an agreement for the same.

SECOND MOTION: I move for adoption of an Ordinance approving a sole source Agreement for Professional Engineering Services for the East Fork of Little Blue Watershed Stormwater Improvement Project by and between the City of Lee's Summit, Missouri, and Allgeier, Martin & Associates, for an amount not to exceed \$158,000.00, and authorizing the City Manager to execute an agreement for the same.

Background:

Stormwater management has been an ongoing discussion with the City for many years. Public Works completed stormwater planning documents from 1997 to 2002 that identified areas of flooding and conceptual recommendations. In many cases, stormwater issues are related to private property and not public infrastructure. The 2002 planning study was limited to recommending conceptual improvements to the public system to address flooding caused by a lack of public infrastructure or failing infrastructure.

A Citizen Stormwater Task Force was formed in 2004 that recommended five action items to address stormwater issues that should be implemented by private property owners, builders, developers, Homeowner Associations (HOAs), utilities and public funds. The public component of the task force recommendations focused on investing in public improvements to correct problems resulting from inadequate public infrastructure that cause structural flooding, street flooding that impeded emergency response, or stream erosion that threatened other public infrastructure.

These recommendations led to proposing a bond issue in 2007 to build stormwater infrastructure to address structural flooding issues. The bond issue approved by voters authorized \$15.8 million to improve the public stormwater system or buy out properties with a history of repetitive flooding. Streambank stabilization issues, nuisance flooding or rehabilitating existing infrastructure were not included in the scope bond issue funding.

To be eligible for the program, property owners were required to submit a written statement that their residence or business flooded. At that time, over 47 properties were confirmed in writing and City staff verified that those properties incurred structural flooding due to a lack of public infrastructure. Many more homeowners initiated flooding service requests that had issues related to private property such as improper building construction or improper site grading that directed water into structural openings. From 2010 to 2016 the City began significant efforts to design and construct over three dozen stormwater improvement projects throughout the City.

In April 2017, voters approved a 15-year extension of the Capital Improvement (CIP) Sales Tax. This extension

that started in 2018 was expanded to include stormwater improvements similar to the 2007 Bond issue projects, streambank stabilization, and rehabilitating portions of the aging metal pipe system. With the approval of the 2017 Sales Tax, remaining bond issue funds, a partnership with an HOA, and a partnership with a builder, the Public Works Department formulated a list of potential projects and ranked each location in an effort to prioritize design. In the fall of 2018, a list of 14 locations affecting 23 structures were identified. It was then decided that Public Works Staff would complete design of 2 of the locations, and the remaining 12 locations would be contracted out to engineering firms.

In February of 2019, staff issued a request for qualifications (RFQ 543-32272). After a review of 17 responses, staff identified 4 different firms - Olsson and Associates, Lamp Rynearson, Burns and McDonnell, and Intuition and Logic - to begin design. After negotiating scope and fees, all four firms began design and/or studies late summer of 2019. Of the 14 projects, 7 locations have either completed construction or are currently under construction, and 5 more locations are in design. Please see the attached "Stormwater Projects Map - Fall 2020". In addition to structural flooding projects, the City has constructed five streambank projects to protect public roadways, mitigated a repetitive roadway flooding issue to allow emergency access during heavy rains, and purchased two properties located in flood hazard areas mapped by FEMA that suffered repetitive flooding.

Between July of 2019 and today, more residents have contacted City staff to report new locations of structural flooding. Residents were given the same direction as previous complaints. In order to have their location considered, a written statement must be submitted to the City, and the flooding should be related to failing public infrastructure or the lack of public infrastructure. Eight new locations have been added to the list of potential stormwater projects. Please see the attached "Stormwater Projects Map - Fall 2020". City staff continues to update the tracking spreadsheet as new flooding issues are reported and confirmed.

The primary purpose of this project is to address structural flooding of the following nine properties: 1611 SE 2<sup>nd</sup> Terrace, 533 Country Lane, 537 Country Lane, 1327 6<sup>th</sup> Street, 1804 3<sup>rd</sup> Street, 1806 3<sup>rd</sup> Street, 1706 Boone Trail, 1710 Boone Trail, and 1715 Boone Trail. Initially, Allgeier Martin will conduct a preliminary study and evaluate alternatives. Alternatives could include but are not limited to culvert improvements along the East Fork of Little Blue, stream improvements, enclosed system improvements, overflow swale improvements, combination, and property buyout. City staff will choose the most cost-effective and advantageous alternative. Due to the variability of possible solutions, the scope and fees for professional services related to design development, permitting, preparation of plans, specifications and contract documents for use in bidding and construction will be negotiated in a future modification to this contract once solutions are identified.

City staff is requesting a sole source agreement with Allgeier Martin and Associates in accordance with provision in the City's procurement policy. Section 7.2 of the City's current Purchasing Policy Manual states "The Procurement and Contract Services Manager may waive the requirement of competitive bids or proposals for supplies/services when he/she has determined in writing ... d. A firm has significant previous or specialized knowledge on a proposed project that would result in significant monetary and/or time savings in completion of the project." Allgeier Martin has expertise and knowledge of approximately 4,500 feet of the East Fork of Little Blue upstream of Winburn Trail. Four locations experiencing structural flooding are along this stream. Surveying and hydraulic modeling along this stream were already completed as part with the SE 5<sup>th</sup> Terrace Street Improvement Project.

For the purposes of public record, the SE 5<sup>th</sup> Terrace project was canceled following opposition from nearby

residents. However, the stream modeling was well underway, but had not been completed at the time the public comments were received. Shortly after those public meetings, the engineer finalized the stream analysis. That analysis showed building the 5<sup>th</sup> Terrace connection and culvert would remove at least 3 homes from a mapped FEMA flood hazard area along the East Fork of the Little Blue.

As the work proceeds for this project, City staff intends to further evaluate and confirm the impacts, both up and downstream, of installing the culvert and street at SE 5<sup>th</sup> Terrace to mitigate the flooding issues along the stream. If the culvert is not built, then the other remaining option to mitigate flooding for these homeowners is for the City to buyout the properties, assist relocating the residents, and then demolish the structures.

Impact/Analysis:

This is the City's standard agreement between the City and a consulting engineering firm with regard to engineering services. This agreement will allow Allgeier Martin to provide engineering services to the City. Not approving this agreement would end or delay the flood mitigation projects in this area.

Timeline:

Start Design: Winter 2021

Finish Design: Fall 2023

Construct: Spring 2023 and 2024 Construction Seasons

Other Information/Unique Characteristics:

RFQ No. 2017-305-C was publicly advertised using the City's web site and [www.PublicPurchase.com](http://www.PublicPurchase.com) to notify potential vendors. The RFQ combined 3 small projects, NW Commerce Drive, SE 5<sup>th</sup> Terrace, and NE Gateway Drive. Thirty-nine potential vendors viewed the RFQ, and 12 firms submitted responsive qualification submittals by the November 14, 2016 closing date. Firms were selected based on submittals and no interviews were conducted. From that list of 12, three firms were selected. Allgeier, Martin & Associates was selected for SE 5<sup>th</sup> Terrace Roadway Stream Crossing and FEMA Map Revisions. The stream crossing at SE 5<sup>th</sup> Terrace is the East Fork of Little Blue.

**George Binger, P.E.** | Deputy Director of Public Works./City Engineer

Staff recommends approval of an Ordinance approving a sole source Agreement for Professional Engineering Services for the East Fork of Little Blue Watershed Stormwater Improvement Project by and between the City of Lee's Summit, Missouri, and Allgeier, Martin & Associates, for an amount not to exceed \$158,000.00, and authorizing the City Manager to execute an agreement for the same.