

RIVER PLANTATION DRIVE BRIDGE
HEALTH & SAFETY REMEDIATION PROJECT
PURCHASING AFFIDAVIT

STATE OF TEXAS }
 }
COUNTY OF TRAVIS }

BEFORE ME, the undersigned authority, personally appeared Howard Lazarus, who being by me first duly sworn, upon oath deposed and stated: "My name is Howard Lazarus. I am the Director of the City of Austin's Public Works Department. I am over eighteen (18) years of age and I have personal knowledge of the facts set forth below and am competent and authorized to make this affidavit.

The City of Austin's Public Works Department manages the City's public street and bridge system. The Department is responsible for the construction, maintenance, repair and reconstruction of numerous bridges, including drainage culvert structures, located within the full purpose City limits. The Department is also responsible for the safety of the City's public street and bridge system and endeavors to repair damage to City streets and bridges in a timely manner to protect the travelling public and the street and bridge infrastructure, itself. The City, through the Public Works Department, is currently providing essential street and bridge maintenance services for the protection of the health and safety of hundreds of thousands of citizens of the City and the travelling public.

During the Halloween Flood Event on October 30, 2013 the embankment supported by the retained earth wall (the "Embankment") adjacent to the River Plantation Drive Bridge over Onion Creek in Austin, Texas was severely compromised. Further investigation and engineering analysis has led to the conclusion that the damaged and missing mechanically stabilized earth (MSE) wall panels and loss of the engineered backfill has rendered this bridge approach completely unsafe for vehicular use. The Embankment structure is a danger to the travelling public and cannot be opened for even emergency vehicular traffic. Left untreated, there is also a high likelihood of additional deterioration which would extend the damage further into the remaining embankment.

The River Plantation Drive Bridge serves as the primary route for access into a large portion of the Onion Creek Subdivision. A lengthy detour via Bradshaw Lane is now in place, but this hinders quick access by public safety vehicles and utility repair crews. As such, the damaged condition of the Embankment constitutes a present risk to the public health and safety of the citizens of Austin.

The City will hire a site contractor to expeditiously perform the necessary design and construction; including, but not limited to, the fabrication, installation, repair, replacement, and reconstruction of the Embankment wall and fill (the "Project") in order to preserve or protect the public health and safety of the City's residents and the traveling

public. Until the Project is completed and the bridge reopened to traffic, the City will be faced with continuing health and safety concerns related to this closure.

The City has concluded that the situation described above requires immediate action to complete the scope of work on the Project on an expedited schedule in order to relieve the health and safety necessity of the municipality. The Department of Public Works is satisfied that the quality of the completed work will adequately provide for the health and safety of the traveling public and the adjacent residential neighborhood. The presently estimated cost of construction for the Project, including the fabrication and site work components of the Project and a twenty (20%) percent contingency for unforeseen conditions, is \$782,633.00 and the estimated cost of the project management, inspection, and support services, is \$90,000.00 for a total estimated cost of \$872,633.00. To the extent that they exceed City Manager authority, the construction and engineering contracts for the Project will be presented to City Council for approval and/or ratification.

As the affiant, I am familiar with state and local laws relating to competition and bidding requirements and realize that the willful violation of these laws can invoke criminal sanctions. I understand further that, while the Charter of the City of Austin recognizes state exemption for emergency or health and safety purchases from the requirement of bidding, it still requires competition for contracting opportunities. The time required to package bid documents, advertise for contractors, award a contract, and execute a contract, in order to fully complete the procurement of a construction contract would place the municipality's residents or property in further danger and that my fiduciary responsibilities to the City of Austin require that the remediation of the Bridge be made as soon as reasonably possible, if not immediately. This procurement is necessary to protect or preserve the public health or safety of the municipality in accordance with the provisions of Texas Local Government Code Section 252.022(a)(2).

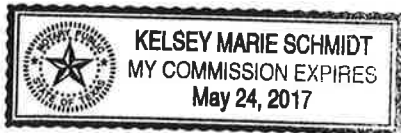
"Further Affiant sayeth not."


Howard Lazarus, Director
City of Austin Public Works Department

STATE OF TEXAS }
 }
COUNTY OF TRAVIS }

BEFORE ME, the undersigned notary public, personally appeared Howard Lazarus, known to me personally or on the basis to legally sufficient identification to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed, in the capacity therein stated, and that each and every statement therein is within his knowledge and is true and correct.

Given under my hand and seal of office on the 19th day of December, 2013.



Kelsey Marie Schmidt
NOTARY PUBLIC, STATE OF TEXAS

KELSEY MARIE SCHMIDT
Printed Name of Notary

My Commission Expires: May 24, 2017