

A G E N D A



Recommendation for Council Action (CMD)

Austin City Council		Item ID:	33415	Agenda Number	17.
Meeting Date:	June 26, 2014				
Department:	Contract Management				
Subject					
Authorize ratification of a construction contract with MATOKA, INC., for the landscape services portion of the FM 812 Municipal Solid Waste Landfill Final Closure and Erosion Control Improvements project in an amount not to exceed \$317,837.11.					
Amount and Source of Funding					
Funding is available in the Fiscal Year 2013-2014 Capital Budget of the Austin Resource Recovery Department.					
Fiscal Note					
A fiscal note is attached.					
Purchasing Language:					
Prior Council Action:					
For More Information:	Jules Parrish, 512-974-9385; Tony Davee, 512-974-1923; Lucy Bonee, 512-974-7967; Elizabeth Godfrey, 512-974-7141				
Boards and Commission Action:	Planned for review at the June 11, 2014 meeting of the Zero Waste Advisory Commission				
Related Items:					
MBE / WBE:	This contract will be awarded in compliance with City Code Chapter 2-9A . (Minority Owned and Women Owned Business Enterprise Procurement Program). This is a health and safety service contract; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.				
Additional Backup Information					

The FM 812 Municipal Solid Waste Landfill Final Closure and Erosion Control Improvements project will achieve final closure of the City of Austin's FM 812 Municipal Solid Waste (MSW) Landfill. This project includes the placement of a final cap and vegetative protective cover on four landfill waste cells and associated drainage improvements.

In 2009, the City issued an invitation for bids for the FM 812 Landfill Final Closure Project and a construction contract was awarded to Ranger Excavating, L.P. on August 27, 2009 for this project.

The project has been substantially complete for 42 months. Although the Contractor expended significant resources during portions of that period of time, the Contractor had failed to establish the vegetative cover required for final completion and City staff made a decision to directly control the work necessary to achieve final completion during the critical growing season.

There is an immediate and seasonal need for the establishment of the re-vegetation necessary to protect the site from erosion to be completed by a replacement general contractor without further bidding in order to preserve or protect the public health or safety of the City's residents as allowed by Section 252.002(a)(2) of the Texas Local Government Code. Until this work is completed the site is at risk of severe erosion during rain events, and the City is in danger of failing to comply with applicable environmental regulations and permit requirements.

Matoka, Inc., a local landscape contractor, has performed landscaping work at the project site, as a subcontractor, and is familiar with the remaining work.

The substantial amount of time required to revise plans and specifications, repackage bid documents, advertise for replacement contractors, award contracts, and execute new contracts, would result in a failure to establish the required vegetative landfill cap and would further result in a failure to adequately preserve or protect the public health or safety. The purchase of the remaining landscaping services has been made as expeditiously as possible under the provisions of the Texas Local Government Code and Texas case law, in order to protect or preserve the public health or safety of the municipality.

The contract allows 120 calendar days for substantial completion of this project. This project is located within zip code 78719 and is managed by the Public Works Department. The City will proceed to alternative dispute resolution to address the Contractor's and the City's claims connected to final completion of the Project.

Matoka, Inc. is a company located in Austin, TX.