



City of Austin
Capital Contracting Office Certificate of Exemption
Professional Services

DATE: Dec. 6, 2018

DEPT: Watershed Protection

TO: Capital Contracting Office
Director or Designee

FROM: Eric D. Loucks P.E.

PHONE: 512-974-2534

Chapter 2254 of the Local Government Code requires that municipalities comply with the procedures established for the selection of professional consulting services such as engineering, architecture, landscape architecture, surveying, or planning services in design or planning of a construction project. Section 2254.003 states that the municipality must select a provider of professional services or award a contract only on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. Departments requesting the use of this exemption must provide documentation of the use of a Qualifications-Based Selection process in selecting the firm.

This Certification of Exemption is executed and filed with the Capital Contracting Office as follows:

1. The undersigned is authorized to submit this certification.
2. The undersigned is requesting the use of a professional services consultant for the following reason:
(Please check appropriate box below)

☐ a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality

☒ a procurement necessary to preserve or protect the public health or safety of municipality's residents

☐ a procurement necessary because of the need for project continuation from a private or 3rd party developer

☐ a public improvement project, already in progress, authorized by voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes as authorized by the voters

4. Please attach any documentation that supports this exemption.
5. Please provide any evaluation conducted (qualifications-based selection process) to support the recommendation. Include the efforts taken to ensure the selected vendor is responsible and will provide the best value to the City (Ex: evaluation of other firms, knowledge of market, etc).

The McDougalls have retained Hayward Baker Inc. of Little Elm Texas to perform preliminary engineering design of a solution to stabilize and repair the damaged area. The City reviewed Hayward Baker's qualifications during the qualifications-based selection process conducted by the City in June and July 2018. The selection panel determined that Hayward Baker Inc. is qualified to perform this work. As stated in the attached Agreement, "The McDougalls and the City have agreed that...it is beneficial to both the City and the McDougalls that, for the sake of expediency, the McDougalls contract for the preliminary engineering design of a solution to stabilize and repair the damaged areas."

6. Because the above facts and documentation support the requested exemption, the City of Austin intends to contract with Michael and Bremond McDougall which will cost approximately \$ 185,000 for a total contract amount not to exceed \$ 185,000 (Provide estimate and/or breakdown of cost).

Recommended
Certification



Dr. Eric D. Loucks, P.E.

12/7/18

Originator

Date

Approved
Certification



Sara Joone Harney, Interim Director

12/7/18

Department Director or designee

Date



Joe Mantalon, Interim ACM

12/10/18

Assistant City Manager /or designee

Date

Capital Contracting Office



April Cohen
Contract Relations Division Manager

12/18/18

Date

Exemption Authorized
(if applicable)


Ricardo Fernandez

Capital Contracting Office Director or
designee

12/18/18

Date

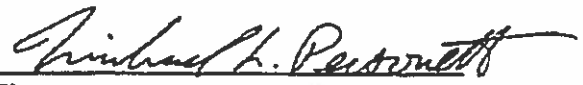
3/13/15

STATE OF TEXAS }
 }
COUNTY OF TRAVIS } EMERGENCY PURCHASE AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared Michael L. Personett who being by me first duly sworn, upon oath depose and stated: "My name is Michael L. Personett, I am over eighteen (18) years of age. I am the Interim Director of the City of Austin Watershed Protection Department. I have personal knowledge of the facts set forth below and am competent and authorized to make this affidavit.

On May 4 and 5, a landslide occurred on a bluff adjacent to Shoal Creek between 24th Street and Shoal Creek Boulevard. The landslide affected both private property and City of Austin Park property known as the Shoal Creek Green Belt. The landslide destroyed a portion of a Hike and Bike Trail and a 30-inch diameter wastewater line. The landslide also created a blockage consisting on landslide debris in the Shoal Creek channel. The landslide poses an ongoing threat to public safety in three important ways: 1) the landslide material is unstable and additional soil movement or rockfall could occur in the Shoal Creek Greenbelt at any time, 2) landslide material in Shoal Creek is impeding the conveyance of flow creating an increased risk of flooding in the area and, 3) while the damaged wastewater line is out of service there is an increased risk of wastewater overflow into the creek. It is necessary to enter into agreements necessary to preserve property and protect the public safety. The situation requires the City engage contractors and consultants, including contractors specializing in the stabilization and repair of landslides. Therefore, in my opinion, contracting should proceed on an emergency basis under Chapter 252 of the Texas Local Government Code.

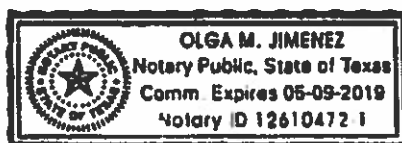
The situation described above is a threat to public health and safety that requires the immediate appropriation of money and procurement of specialized construction and engineering services. I believe that the landslide poses an imminent and ongoing danger to both public and private properties and necessitates emergency repair immediately. "Further Affiant sayeth not."



Signature
MICHAEL L. PERSONETT
Print Name

STATE OF TEXAS }
 }
COUNTY OF TRAVIS }

BEFORE ME, the undersigned notary public, personally appeared Michael L. Personett (the "claimant") known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that Claimant executed the same for the purpose and consideration therein expressed, in the capacity therein stated, and that each and every statement therein is within Claimant's knowledge and is true and correct.

Given under my hand and seal of office on the 21st day of August 2018.




NOTARY PUBLIC, STATE OF TEXAS
Olga M. Jimenez
Printed Name of Notary