



Recommendation for Action

File #: 21-2350, **Agenda Item #:** 15.

7/29/2021

Posting Language

Authorize negotiation and execution of an amendment to the professional services agreement with Kimley-Horn and Associates, Inc., for engineering services for the City of Austin Street Impact Fee project in the amount of \$139,431.67, for a total contract amount not to exceed \$1,612,378.43.

[Note: This amendment will be awarded in compliance with City Code 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date is 12.10% MBE and 22.61% WBE.]

Lead Department

Capital Contracting Office

Managing Department

Austin Transportation Department

Fiscal Note

Funding is available in the Fiscal Year 2020-2021 Operating Budget of the Austin Transportation Department.

Purchasing Language:

Original contract was awarded through a qualifications-based selection process.

Prior Council Action:

June 20, 2019 - Council approved increased authorization of \$239,946.76 for Supplemental Amendment 2 for Additional Services.

June 9, 2016 - Council approved a professional services agreement with Kimley-Horn and Associates, Inc., for the City Street Impact Fee project.

For More Information:

Inquiries should be directed to the City Manager's Agenda Office, at 512-974-2991 or AgendaOffice@austintexas.gov <<mailto:AgendaOffice@austintexas.gov>>.

NOTE: Respondents to this solicitation, and their representatives, shall direct inquiries to Rolando Fernandez, 512-974-7749; Rick Wilson, 512-974-7261; or the Project Manager, Danielle Morin, 512-974-6407.

Additional Backup Information:

The City Street Impact Fee contract was executed between Kimley-Horn and Associates, Inc. (Kimley-Horn) and the City on August 17, 2016 to develop a study to determine the maximum allowable fee to be charged to development in Austin based on applicable provisions of state law in Chapter 395 of the Local Government Code. Subsequently, the Austin Strategic Mobility Plan (ASMP) was developed as an amendment to the Comprehensive Land Development Code Revision contract between Opticos Design, Inc., and the City. The

ASMP went through a comprehensive public engagement process and was adopted by Council on April 11, 2019 as a new transportation plan to replace the Austin Metropolitan Area Transportation Plan (AMATP).

During the time between the initiation of the City Street Impact Fee contract and development of the ASMP, it was determined that an update to the Transportation Criteria Manual (TCM) was necessary for the costing of projects in the Street Impact Fee (SIF) Capital Improvements Plan. On October 10, 2017, the City and Kimley-Horn entered into an amendment to the SIF contract. The amendment specified hours for comment review and tracking related to the draft Austin Street Design Guide (ASDG), which is used as a basis for updating typical street cross sections in the TCM, scope, to evaluate the existing TCM and other policies, and to develop a draft of an updated TCM document.

The initial October 10, 2017 amendment was for an anticipated timeline of nine months of collecting and responding to comments, eight months for meetings and workshops with city staff for development of recommendations, 220 hours for comment tracking, and 40 hours of final updates to the ASDG. Due to the delays in this process and additional meetings for concurrence with ongoing efforts related to the SIF and ASMP, the development of the updated TCM is not yet complete and the funds in the stipulated sum amendment have been exhausted. Additional meetings are required beyond those originally scoped in the amendment and additional scope is needed for concurrence with development and engineering construction communities, and for support during the implementation stage of the process.

The proposed amendment includes items listed under Task 8: Transportation Criteria Testing, Administrative Guidelines, and Adoption Support. Task 8 will be completed on an hourly basis. The scope in Task 8 is necessary to verify the suitability of criteria, complete the public process for adoption of criteria, and to assist in implementation of criteria. The two remaining steps to develop the new criteria are Concurrence and Implementation.

The Concurrence Phase will provide outreach to the development, engineering, and construction communities to introduce the new TCM and request their review and comment as part of the public comment period in the rules posting process. The consultant has budgeted approximately 10 meetings (100 hours) to meet with a separate consultant performing the testing for support on technical questions related to criteria and criteria development history. The Concurrence Phase also includes Adoption Support. The consultant has budgeted approximately 10 meetings (100 hours), 40 hours for comment tracking, and 160 hours for updates to the TCM to take the document from the version posted for public comment to the final version.

The Implementation Phase will begin after the public comment period closes, comments are addressed, and the document is posted for final rule. This amendment does not anticipate additional effort by the consultant for any appeals to the final rule posting. After the new TCM has been evaluated and review comments addressed, the City will begin the Implementation Phase, which includes a formal introduction of the new criteria and training on their use.

In addition to the TCM, the SIF will require administrative guidelines that have overlaps with the TCM and may be developed by the consultant as a standalone document or combined with other administrative guidelines.

The TCM has undergone a robust public review period as well as a collaborative interdepartmental review period, both of which garnered valuable feedback. Staff has used additional time to ensure all city departments approve of the proposed changes to the criteria manual and has required additional time and resources to ensure the final draft TCM reflects these collaborative efforts. Additionally, funding authority is needed to incorporate updates to the TCM associated with the SIF ordinance, to conduct public information sessions on SIF scheme (as directed by Council) and to create effective, public-facing and user-friendly resources for successful roll-out of the Street Impact Fee Program.

Delays to this project will result in delays in implementing the Transportation Plan (ASMP) and SIF program

without a properly updated transportation criteria to accompany it.

The public will not be impacted by this project because it does not include physical construction activities.

If this action item is not approved by Council, the SIF and Transportation Criteria Manual projects will not be implemented within Council's timeline direction and the City will not be able to meet its approved implementation date of SIFs, which are set for implementation on June 21, 2022. Additionally, final content refinement and editing related to the TCM cannot continue without additional authority.

This amendment has been approved by the City's Change Control Committee. The Change Control Committee was established to comply with Council Resolution No. 20120126-048, which required the establishment of consistent criteria and process to evaluate contractual changes for all contracts administered by the Capital Contracting Office. The Change Control Committee is comprised of management-level subject matter experts.

Strategic Outcome(s):

Safety; Mobility; Government that Works for All; Health and Environment