

Waller Creek Local Government Corporation Meeting

January 18, 2023

Request for Action

Posting Language:

Authorize award and execution of a construction contract for the Waller Creek Delta project (now known as “The Confluence”) with Jay-Reese Contractors, Inc. in the amount of \$64,423,483 plus a \$11,284,270 contingency, for a total contract amount not to exceed \$75,707,753. (District 9)

[Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts with 4.5% MBE and 2.94% WBE participation.]

Lead Department:

Financial Services Department

Managing Departments:

Watershed Protection Department

Parks and Recreation Department

Public Works Department

Amount and Source of Funding/Fiscal Note:

Funding in the amount of \$58,779,068 is available in the Fiscal Year 2022-2023 Capital Budget of the Watershed Protection Department.

Funding in the amount of \$14,798,666 is available in the Fiscal Year 2022-2023 Capital Budget of the Parks and Recreation Department.

Funding in the amount of \$1,330,018 is available in the Fiscal Year 2022-2023 Capital Budget of Austin Energy.

Funding in the amount of \$500,000 is available in the Fiscal Year 2022-2023 Capital Budget of the Convention Center.

Funding in the amount of \$300,000 is available in the Fiscal Year 2022-2023 Capital Budget of Austin Water.

Purchasing Language:

Lowest responsive bid of two bids received through a competitive Invitation for Bid solicitation.

Prior City Council Action:

October 18, 2012 – Council approved Resolution No. 20121018-068 affirming the selection for the design chosen by the Waller Creek Design Competition Jury relating to the revitalization of the Waller Creek District.

June 20, 2013 – Council approved Resolution No. 20130620-21 authorizing negotiation and execution of a joint development agreement and related documents between Waller Creek Conservancy, the City and the Waller Creek Local Government Corporation concerning the revitalization of the Waller Creek District.

June 20, 2013 – Council approved Resolution No. 20130620-23, directing public improvements in the Waller Creek District to be consistent with the Waller Creek Design Plan as developed by Michael Van Valkenburgh Associates/Thomas Phifer & Partners.

August 27, 2020 - Council passed Resolution No. 20200827-077 delegating authority to the Waller Creek Local

Government Corporation to make certain procurement determinations and to authorize the negotiation, award, and execution of City contracts necessary for the design and construction of the projects within the Waller Creek District (District) consistent with the Council-approved Design Plan for the District.

Prior Waller Creek Local Government Corporation Action:

June 16, 2019 – Waller Creek Local Government Corporation (LGC) approved the Creek Delta Construction Documents, Permitting, and Bidding Phase Plan (CD and Bidding Phase Plan).

November 4, 2019 – LGC approved Addendum One to the Creek Delta CD and Bidding Phase Plan for Austin Energy duct bank improvements.

May 13, 2020 – LGC approved Addendum Two to the Creek Delta CD and Bidding Phase Plan for updates to the budget contribution split and schedule.

December 18, 2020 – LGC approved Addendum Three to the Creek Delta CD and Bidding Phase Plan for additional authority and a modified bidding process.

December 8, 2021 – LGC approved Addendum Four to the Creek Delta CD and Bidding Phase Plan for additional authority.

April 13, 2022 – LGC approved Addendum Five to the Creek Delta CD and Bidding Phase Plan for the Texas Department of Transportation/Austin Transportation Department sponsored grading study on 4th Street.

Prior Council Committee, Boards and Commission Action:

February 8, 2022 – Planning Commission granted conditional approval of a park on a lot greater than one acre and zoned “P”.

For More Information:

Direct inquiries to Garrett Cox, 512-974-9423, or the Project Manager, Diana Wang, 512-974-7168.

Additional Backup Information:

BRIEF HISTORY OF PROJECT

The Waller Creek Delta project is part of the Waterloo Greenway. This Council-approved Design Plan within the Waller Creek District will create creek, trail and water quality improvements between Lady Bird Lake and 4th Street along Waller Creek. This project is identified as a part of the Waller Creek District in Council Resolution 20110428-014, which emphasized the need to redevelop the area in conjunction with the completion of the Waller Creek Tunnel project and as a critical phase of what is now known as Waterloo Greenway. This portion of Waller Creek has historically been neglected which has resulted in severe environmental, water quality, and public safety issues due to flooding and erosion.

A portion of the project is funded by the 2012 General Obligation Bonds.

PURPOSE, DETAILS, BENEFIT OF REQUESTED ACTION

This project will restore the creek health and functionality, improve park use and downtown connectivity, implement innovative water quality controls, and support economic redevelopment in the area. The work includes creek channel reconstruction to stabilize severely eroded slopes and installation of unique ecologic features, plantings, and trails. Trails will be located on both sides of Waller Creek and will each be approximately one mile in length. Four new pedestrian bridges and eleven trail connections to the existing right-of-way are proposed. Green Business Certification Inc. (GBCI) Sustainable SITES Initiative (SITES) sustainability measures to achieve a minimum silver certification are required.

This item includes four allowances. The allowance of \$500,000 will be used to address the Butler Trail Pedestrian

Reroute. The allowance of \$20,000 will be used to address contaminated soil and water. The allowance of \$68,000 will be used to address any need for controlled low strength material (CLSM). The allowance of \$82,500 will be used to address any need for dry rock rip rap. An allowance is an amount that is specified and included in the construction contract or specifications for certain items of work whose details are not yet determined at the time of bidding.

This contract will include award of alternate bid items for Alternate A - Lattice Bridge No. 3 abutments and Alternate B - Lattice Bridge No. 3 bridge. An alternate bid is a specified item of the construction work that is priced separately and may be awarded as part of the contract if the bids come within the specified budget.

Due to the potential for unknown conditions a 17.1% contingency in funding has been included to allow for the expeditious processing of any change orders. A contingency is an additional amount of money added to the construction budget to cover any unforeseen construction costs associated with the project. Authorizing this contract and its additional contingency funding authorizes change orders within the contingency amount.

The project includes time sensitive improvements. Portions of the trail in this area are unusable and currently fenced off from public use. A delay in authorization of the construction contract will affect the ability to perform these improvements during the planned construction timeline for the Waller Creek District/Waterloo Greenway program, which is a major City initiative and stimulus to our local economy.

The contract allows 1,003 calendar days for completion of this project. This project is located within zip code 78701 (District 9).

Jay-Reese Contractors, Inc. is located in Dripping Springs, Texas.

Strategic Outcome(s):

Safety

Culture and Lifelong Learning

Health and Environment

Mobility