



# City of Pflugerville

## Legislation Text

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**File #:** 2022-0538, **Version:** 1

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Approving the selection of CP&Y, Inc. to provide owner representative services associated with the Secondary Colorado River Raw Water Line Project, and authorizing the City Manager to execute a Professional Services Agreement in the amount of \$1,430,440.

Based on the findings of a Preliminary Engineering Report that was completed and presented to City Council by Garver in December 2021, the City is proceeding with design and bid phase services for the Secondary Colorado River Raw Water Line Project that will transport water from the Colorado River to Lake Pflugerville, parallel to the City's existing raw water line, to provide additional water supply to support the future of Pflugerville. This project comprises approximately 15 miles of 42-inch water pipeline and improvements to the Colorado River Intake Pump Station to allow for increase transfer in water supply from the Lower Colorado River Authority from 12,000 acre-feet per year to 24,000 acre-feet per year. The project estimate from the Preliminary Engineering Report estimates the total cost of the project at \$86M.

Based on population and water demand projections, this project needs to be built and operational by 2025. Based on this aggressive schedule, the City is planning to deliver the project using a Construction Manager at Risk (CMAR) method which allows the City to bring the contractor in early during the design process and allows them to provide feedback on constructability, manage material procurement and assist in overseeing the bidding process. The CMAR method will allow the City to build the pipeline on the aggressive schedule. There will be separate contracts for the Engineer and Contractor and a guaranteed maximum price will be set at either 60 or 90% design phase. This is the first time that Pflugerville has used CMAR to procure a project.

Given the challenging schedule, the use of the CMAR delivery method and the significance of the water demand and need for additional water capacity, an Owner's Representative is being brought on board to assist the City with the successful delivery of the project.

The City desires to retain CP&Y, Inc. as Engineering Consultant to provide Owner's Representative Services to serve as the Owner's liaison between the Design Consultants, CMAR, Construction Contractor, regulatory agencies, Texas Water Development Board (TWDB), and other stakeholders for the project. The tasks defined in the Scope of Services are intended to provide detail for the tasks that are known at this stage and provide some level of flexibility for the Consultant to perform tasks at the direction of the Owner without the schedule impacts of additional contract amendments resulting from minor changes to the scope.

The Owner's Representative will serve as the City's representative and liaison between the consultants, CMAR, contractor, approval agencies and other vendors throughout the project. The Owner's Representative, in general, shall coordinate all project matters during the design and construction phase. The Owner's Representative shall advocate for the City interests of quality, timely and cost sensitive design and construction while maintaining professional relationships with all parties. The Owner's Representative will be responsible for aligning the project(s) with the City's

goals and objectives and overseeing the delivery of the project at an efficient price and highest degree of functionality and quality. However, the Owner's Representative will not replace the design engineer, CMAR, contractor, and other consultants. The Owner's Representative will also not act with legal authority on behalf of the City.

The Owner's Representative will assist the owner with initiation of design, design phase, CMAR coordination, bidding, and construction. The Owner's Representative will be tasked with working with a team of City staff and consultant engineers to execute the project on-time and within budget. The selected representative must demonstrate the ability to advocate for the City while maintaining professional relationships with the engineers and contractors during the project.

Specific work includes but is not limited to:

- Coordinating, attending, conducting, recording and assisting the City at all project meetings and preparing minutes as needed;
- Developing and routinely updating program schedule, budget and risk register, and providing status reports;
- Preparation of a task matrix list that identifies roles and responsibilities up to 6 months in advance and project milestones;
- Assisting the City with the CMAR selection process and ongoing coordination with the CMAR during design;
- Agency and regulatory support for the program;
- Design phase meetings and agency document reviews;
- Design and Bid Phase Support for the following design packages:
  - Three (3) long lead equipment packages
  - Pump station improvements package
  - Two (2) pipeline packages;
- Serving as the City's representative through the duration of the project as noted in the agreement;
- Supplemental Services, if required, include Texas Water Development Board (TWDB) support, water supply planning support, and support with physical modeling of the pump station improvements.

The attached agreement includes services for only general project management activities, project controls (scheduling and budgeting), document management, design phase support, pre-construction activities and bid phase services. The scope and fee for construction phase services will be negotiated with CP&Y, Inc. prior to construction and brought forward for City Council consideration as a Professional Services Supplemental Agreement.

City staff has negotiated with CP&Y, Inc. to establish a scope, schedule and fee to provide owner representative services associated with the Secondary Colorado River Raw Water Line Project. Given the services necessary to complete the project, staff finds value in the qualifications of the project team and proposed project fee

### **Prior City Council Action**

On March 10, 2020, City Council approved a professional services agreement with Garver in the amount of \$199,820 to provide owner representative services associated with the Surface Water Treatment Plant Expansion Project including an evaluation of water supply alternatives.

On July 28, 2020, City Council received a presentation during the worksession regarding the Water Treatment Plant Expansion Alternatives Analysis including water supply alternatives.

On August 25, 2020, City Council approved a professional services supplemental agreement with Garver in the amount of \$1,220,657.00 to provide owner representative services associated with the Surface Water Treatment Plant Expansion Project which included water rights acquisition support.

On January 26, 2021, City Council approved the engagement of McCarthy & McCarthy LLP as Special Counsel for the City for the purpose of assisting staff with permits, contracts and negotiations related to obtaining additional water rights to support the future growth of Pflugerville.

On April 27, 2021, City Council approved a professional services supplemental agreement with Garver, the City's owner representative associated with the Surface Water Treatment Plant Expansion Project, in the amount of \$311,132 for professional engineering services related to an evaluation of future water supply alternatives.

On May 27, 2021, City Council received a presentation regarding the City of Pflugerville's future water supply options.

On December 14, 2021, City Council received a presentation regarding the Pflugerville Colorado River Water Supply Analysis and future water supply options.

On February 8, 2022 City Council approved a professional services agreement with Freese and Nichols, Inc. in the amount of \$7,309,766.00 for professional engineering services associated with the Secondary Colorado River Raw Water Line Project

### **Deadline for City Council Action**

Action is requested on May 24, 2022.

**Funding Expected:** Revenue  Expenditure  N/A

**Budgeted Item:** Yes  No  N/A

\*This project is identified in the Water CIP budget as Colorado River Raw Water Line.

**Amount:** \$1,430,440

**1295 Form Required?** Yes  No

**Legal Review Required:** N/A  Required  Date Completed: 05/19/2022

### **Supporting documents attached:**

Professional Services Agreement

Draft Presentation

### **Recommended Action**

Approve the selection of CP&Y, Inc. to provide owner representative services associated with the Secondary Colorado River Raw Water Line Project, and authorize the City Manager to execute a Professional Services Agreement in the amount of \$1,430,440.

