

# CITY OF KYLE



## Notice of Regular City Council Meeting

KYLE CITY HALL  
100 W. Center Street

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on 12/20/2012, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 17th day of December, 2012 prior to 7:00 p.m.

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### I. Call Meeting To Order

### II. Citizen Comment Period With City Council

The City Council welcomes comments from Citizens early in the agenda of regular meetings. Those wishing to speak must sign in before the meeting begins at the Kyle City Hall. Speakers may be provided with an opportunity to speak during this time period, and they must observe the three-minute time limit.

### III. Consider and Possible Action

1. Approve Award and Authorize the negotiation of a Professional Services Agreement with LOCKWOOD, ANDREWS & NEWNAM, INC. to perform the Engineering Services, including acquisition of easement rights, associated with the relocation of the City of Kyle utilities impacted by the IH-35 at Yarrington Road Improvements Project (TXDOT CSJ 0016-02-135) for a not to exceed amount of \$300,000.00 ~ Steven Widacki, P.E., City Engineer

 [Attachments](#)

### IV. ADJOURN

*At any time during the Regular City Council Meeting, the City Council may adjourn into an Executive Session, as needed, on any item listed on the agenda for which state law authorizes Executive Session to be held*

\*Per Texas Attorney General Opinion No. JC-0169; Open Meeting & Agenda Requirements, Dated January 24, 2000: The permissible responses to a general member communication at the meeting are limited by 551.042, as follows: "SEC.551.042. Inquiry Made at Meeting. (a) If, at a meeting of a government body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by the subchapter, the notice provisions of this subchapter, do not apply to:(1) a statement of specific factual information given in response to the inquiry; or (2) a recitation of existing policy in response to the inquiry. (b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.



# CITY OF KYLE, TEXAS

## Yarrington Rd Utility Relocations

**Meeting Date:**  
12/20/2012  
**Date time: 7:00 PM**

**Subject/Recommendation:** Approve Award and Authorize the negotiation of a Professional Services Agreement with LOCKWOOD, ANDREWS & NEWNAM, INC. to perform the Engineering Services, including acquisition of easement rights, associated with the relocation of the City of Kyle utilities impacted by the IH-35 at Yarrington Road Improvements Project (TXDOT CSJ 0016-02-135) for a not to exceed amount of \$300,000.00 ~ *Steven Widacki, P.E., City Engineer*

**Other Information:** City of Kyle Staff met with the Hays County consultant team for the IH-35 at Yarrington Road Improvements Project (TXDOT CSJ 0016-02-135) [Project] on November 28, 2012. The Project will affect the City's utilities along the proposed improved sections of Yarrington Rd. east of IH-35 and along the east side of IH-35; a total of approximately 2,000 feet. This affects the City's existing 12-inch waterline along this entire route. Under TxDOT's Utility Accommodation Policy the City is responsible for the relocation of its utilities affected by the Project, and then all costs associated with the in-kind relocation (e.g. – design, easement acquisition, construction, etc.) are subject to reimbursement by the State.

The City solicited Requests for Qualifications for professional services for the above referenced project from a total of three (3) firms. The expedited nature of this project (e.g. - 100-percent complete design plans by the end of January 2013, and; letting by TxDOT in June 2013) warrants the format of this limited solicitation. As the preceding indicates, the intent of the project is to yield some economies by including the construction related items in the Project bid package.

Staff evaluated the SOQ's, ranking them in order and the final rankings are attached.

With City Council's authorization, City Staff will negotiate for the engagement of the above firm to perform professional services for the development of Construction Plans, Acquisition Services, Specifications and Estimates, and limited Bid and Construction Services for the construction of the City's utilities affected by the Project. The referenced authorization will include all permitting, identification of utility requirements and conflicts, required utility adjustments and replacement, coordination with utility companies and attending of utility coordination meetings, acquisition of easements, and any other items necessary to successfully develop and construct the

Cover Memo

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project.

These professional services (as well as the constructed utility improvements) will be subject to reimbursement from the State. A separate Advance Funding Agreement (AFA) will be executed between the City and State (TxDOT) for this purpose. The design portion of these professional services will develop an estimate of total project cost (s) to be subject to the provisions of this AFA.

City Staff will negotiate the planned scope of services, project deliverables and the proposed budget for the services to be provided and easement(s) to be acquired; amount not to exceed \$300,000. We recommend use of a 'sample contract' to be provided by the selected consultant to be adapted to the City's needs in concert with the City Attorney and the selected consultant. Any attendant outside legal services are not a part of this authorization.

Note that the requested amount is for engineering services and acquisition of easement(s) only. These funds are not for the construction of the improvements.

**Budget Information:** To be provided by Finance Dept.

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Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

**Attachments / click to download**

[IH-35 Yarrington plans Exhibit](#)

[Ranking of Firms 2012 12 17](#)

[RFQ Solicitation 2012 12 12](#)

[Fiscal Note - Eng TxDOT Yarrington Water Relocation 12-20-2012](#)

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**City of Kyle, Texas  
Request for Qualifications  
Schedule for Procurement of  
Professional Engineering Services for the  
Utility Relocations for IH-35 at Yarrington Road Improvements  
Kyle, Texas**

City of Kyle Solicitation:	December 13, 2012
Pre-Submission Questions Due:	December 14, 2012, Prior to 4:00 p.m. CST
Qualifications Due:	December 17, 2012 Prior to 1:00 p.m. CST
Selection Committee Selects Most Qualified:	December 17, 2012 Prior to 5:00 p.m. CST
Council Award of Selected Firm:	December 20, 2012



# CITY OF KYLE

100 W. Center ● P.O. Box 40 ● Kyle, Texas 78640 ● (512) 262-1010 ● FAX (512) 262-3800

**Request for Qualifications  
for  
Professional Engineering Services  
for  
Utility Relocations for IH-35 at Yarrington Road Improvements**

The City of Kyle is seeking qualifications for Professional Engineering Services for the Utility Relocations for IH-35 at Yarrington Road Improvements, until 1:00 p.m. on Monday, December 17, 2012.

This solicitation is limited to the firms receiving this information due to the limited time of response and expedited nature of the project. Please confirm receipt of this solicitation via email to Steven D. Widacki, P.E., City Engineer, to the address of [swidacki@cityofkyle.com](mailto:swidacki@cityofkyle.com) prior to 4:00 p.m. on Friday, December 14, 2012.

Qualifications submissions addressed to the City Engineer, City of Kyle, 100 W. Center St., Kyle, TX 78640, will be received until 1:00 p.m. on December 17, 2012, via email at the office of Steven D. Widacki, P.E., City Engineer, to the address of [swidacki@cityofkyle.com](mailto:swidacki@cityofkyle.com). Qualifications shall be submitted in PDF format clearly marked:

**Professional Engineering Services for the  
Utility Relocations for IH-35 at Yarrington Road Improvements  
Kyle, Texas**

Any pre-submission questions shall be submitted via email to Steven D. Widacki, P.E., City Engineer, to the address of [swidacki@cityofkyle.com](mailto:swidacki@cityofkyle.com) prior to 4:00 p.m. on Friday, December 14, 2012.

No fax submissions will be accepted. No late submissions will be accepted. All submissions received after the deadline will be remain unopened.

CITY OF KYLE, TEXAS

Steven D. Widacki, P.E.

City Engineer

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## INSTRUCTIONS TO OFFERERS

1. The email containing the completed qualifications shall be submitted to Steven D. Widacki, P.E., City Engineer, City of Kyle to the email address of [swidacki@cityofkyle.com](mailto:swidacki@cityofkyle.com).
2. The offerer shall sign and date the submittal. The person signing the submittal must have the authority to bind the firm in a contract. Submittals which are not signed and dated in this manner may be rejected.
3. The offerer shall submit a PDF file response to the Request for Qualifications. All documents shall be submitted to the City Engineer by the deadline shown on the cover sheet of this Request for Qualifications. Qualifications received after the deadline may be considered void and unacceptable. The City of Kyle is not responsible for lateness or non-delivery of email. The qualifications will be date/time stamped based upon receipt in the City Engineer's email in-box when received and this will be considered to be the official time of receipt.
4. Facsimile transmittals will not be accepted.
5. Qualifications cannot be altered or amended after submission deadline.
6. Qualifications may not be withdrawn or canceled by the offerer without the permission of the City for a period of sixty (60) days following the date designated for the receipt of qualifications, and offerer so agrees upon submittal of his qualifications.
7. The City of Kyle is exempt by law from payment of Texas Sale Tax and Federal Excise Tax.
8. All qualifications meeting the intent of the Request for Qualifications will be considered for award. Offerers taking exception to the specifications, or offering substitutions, shall state these exceptions by attachment as part of the qualification. The absence of such a list shall indicate that the offerer has not taken exceptions, and shall hold the offerer responsible to perform in strict accordance with the specifications in this Request for Qualifications. The City of Kyle reserves the right to accept any, all or none of the exception(s)/substitution(s) deemed to be in the best interest of the City.
9. Any interpretations, corrections or changes to this Request for Qualifications and specifications will be made by addenda. Sole issuing authority of addenda shall be vested in the City of Kyle City Engineer's office. Addenda will be emailed to all who are party to this solicitation of this request for Qualifications. Offerers shall acknowledge receipt of all addenda in their submittal.
10. Qualifications must comply with all applicable federal, state, county and local laws concerning these types of services.
11. The apparent silence of these specifications as to any detail or to the apparent omission of a detailed description concerning any point shall be regarded as meaning that only the best commercial practices are to prevail. All interpretations of these specifications shall be made on the basis of this statement.
12. A prospective offerer must affirmatively demonstrate offerer's responsibility. A prospective offerer must meet the following requirements:

- a. Have adequate personnel resources, or the ability to obtain such resources as required;
- b. Be able to comply with the required or proposed delivery schedule;
- c. Have satisfactory record of performance;
- d. Have satisfactory record of integrity and ethics;
- e. Be otherwise qualified and eligible to receive an award.

The City of Kyle will not compensate offerers for unsuccessful proposals. Please let us know of any qualifications requirements causing you difficulty in responding to our Request for qualifications. We want to facilitate your participation so that all responsible vendors can compete for the City's business.

Awards should be made approximately three (3) days after proposal deadline date. To obtain scoring results or if you have questions concerning the Request for Qualifications and specifications, please contact the City of Kyle City Engineer's office at (512) 262-3958.

**CITY OF KYLE  
PROFESSIONAL ENGINEERING SERVICES  
UTILITY RELOCATIONS FOR IH-35 AT YARRINGTON ROAD  
IMPROVEMENTS  
KYLE, TEXAS**

**I. INTRODUCTION**

The City of Kyle desires to retain a licensed professional engineering team (licensed in the State of Texas) to provide comprehensive engineering services, to include design, surveying, easement acquisition services and other specialties as may be needed for the design of the Utility Relocations for IH-35 at Yarrington Road Improvements. A copy of the conceptual project limits is attached.

**II. BACKGROUND**

The City desires to develop 'bid ready' fully designed and engineered plans for the Utility Relocations for IH-35 at Yarrington Road Improvements for inclusion in the related TxDOT construction package. This project will have the following characteristics:

- The Utility Relocations for IH-35 at Yarrington Road Improvements will extend a distance of approximately 2,000 feet located along the north side of Yarrington Road, from the City's existing Yarrington Road Pump Station, and the east side of the northbound IH-35 frontage road to the limits of TxDOT's *IH-35 at Yarrington Road Improvements* project.
- The improvements will consist of the relocation of an existing 12-inch waterline. The replacement line size will be an alternate of one of the following: a) 12-inch; b) 16-inch, or; c) 24-inch.
- Sixty (60) percent plans shall be ready by January 31, 2012 for inclusion in the submittal to TxDOT along with the *IH-35 at Yarrington Road Improvements* project plans.
- One-hundred (100) percent plans shall be ready by March 31, 2012 for inclusion in the submittal to TxDOT along with the *IH-35 at Yarrington Road Improvements* project plans.
- All processes will meet TxDOT *Utility Accommodation* requirements including compliance with *Reimbursement Guidelines and Billing Procedures for Utility Adjustments*.

Sixty (60) percent plans prepared by CP&Y, design consultant for the TxDOT improvements, are available for use upon request.

**III. SCOPE OF SERVICES REQUESTED**

- A. Compliance with federal, state and local regulations related to this type of project.
- B. Preparation of any status reports, submittals and documentation required by the Owner and TxDOT.
- C. Determination of required adjustment, removal or relocation of utilities which may interfere with proposed construction and notification of Owner prior to completion of design.



- D. Acquisition of easements necessary for relocation of the City's utility facilities.
- E. Professional management services including establishment of a records keeping system; coordination of all activities among TxDOT, the Engineer, and the City; labor standards compliance; processing financial draws for contract and reporting; and preparation of close-out report.
- F. Design professional must be capable of production plans on a computer aided design and drafting (CADD) system that meets the requirements of TxDOT.
- G. Surveying and easement acquisition services to accommodate the design and acquisition components of this scope.

Any other activities considered as standard architectural and engineering services.

#### IV. INFORMATION REQUESTED FROM OFFERER

Each submission shall contain all the items listed below. Incomplete submissions may be rejected in technical review by the Selection Committee.

##### A. Contents

1. Briefly state your understanding of the services being requested.
2. Show the subject, name of your firm, address, telephone number, email, name of contact person, date, and the name of the person authorized to make representation for your firm, including their title.
3. Briefly describe the firm's experience in providing the services being requested and in particular, indicate the firm's experience working on projects anticipating State reimbursement(s).
4. Explain the firm's capacity to perform the specific proposed tasks.
5. Briefly describe two (2) similar projects.
6. Explain how the services will be performed.
7. Describe reports that will be provided to the City.
8. Furnish the City with any additional information considered essential to your submission.
9. Proposal shall not exceed four (4) pages in length. Sheet size is limited to 8½" x 11" sheets only.

#### V. EVALUATION CRITERIA AND SELECTION

The award of this contract shall be made to the responsible team whose qualifications are determined to be the highest evaluated offerer resulting from the composite scores of the selection committee, taking into consideration the importance of the evaluation factors set forth below:

- |                             |                  |
|-----------------------------|------------------|
| • Experience                | 30 points        |
| • Work Performance          | 50 points        |
| • Capacity to Perform Tasks | <u>20 points</u> |

TOTAL: 100 points

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## VI. SUBMISSION INFORMATION

A PDF file of the qualifications submittal should be emailed and clearly titled **“Professional Engineering Services - Utility Relocations for IH-35 at Yarrington Road Improvements, Kyle, Texas”** no later than **1:00 p.m. CST on Monday, December 17, 2012**, to:

Steven D. Widacki, P.E., City Engineer  
City of Kyle  
[swidacki@cityofkyle.com](mailto:swidacki@cityofkyle.com)

- For technical information, and information regarding the RFQ process, contact Steven D. Widacki, P.E., City Engineer at (512) 262-3958, or by email at [swidacki@cityofkyle.com](mailto:swidacki@cityofkyle.com). The City of Kyle is an Equal Opportunity Employer.
- Qualifications will be reviewed and ranked by the Selection Committee.
- The award will be made to the firm that receives the highest composite score from the Committee. The City reserves the right to negotiate a contract with the awarded offerer.

## VII. ADDITIONAL INFORMATION

- Awarding of the contract will be made by the City Council of the City of Kyle, Texas. The term of this agreement shall begin upon final execution of the contract by all parties.
- The method of payment shall be a not to exceed maximum fee agreement with payments distributed throughout the life of the project based upon percentages of work completed. Any additional services contracted for shall likewise be lump sum.
- Submittal qualifications cannot be altered after submission deadline. Any interlineation, alteration or erasure made before opening must be initialed by the singer of the submittal, guaranteeing authenticity.
- Any interpretations, corrections or changes to this Request for Qualifications will be made by addenda. Sole issuing authority of addenda shall be vested in the City of Kyle City Engineer’s office. Addenda will be emailed to all who have been issued a copy of the Request for Qualifications.

**Professional Engineering Services for the  
Utility Relocations for IH-35 at Yarrington Road Improvements  
Kyle, Texas**

**RANKING OF FIRMS**

Three firms were solicited because they are known by Staff to have the capabilities to meet the expedited schedule and cover the services needed as follows:

- 1) Freese & Nichols, Inc. (FNI)
- 2) HDR, Inc. (HDR)
- 3) Lockwood, Andrews & Newnam, Inc. (LAN)

**EVALUATION CRITERIA AND SELECTION**

From Section 'V' of RFQ:

		<b>FIRMS</b>		
		<u>FNI</u>	<u>HDR</u>	<u>LAN</u>
<ul style="list-style-type: none"> <li>• Experience</li> <li>• Work Performance</li> <li>• Capacity to Perform Tasks</li> </ul>	30 points 50 points <u>20 points</u>	22 41 <u>18</u>	15 41 <u>17</u>	<b>28</b> <b>43</b> <b><u>18</u></b>
<b>TOTAL:</b>		100 points	81	73
			<b>89</b>	

**NOTES:**

- 1) FNI – a) no mention of alternate pipe sizing; b) neither example project provided included TxDOT reimbursement; c) ORG CHART does not include any detail regarding production staff.
- 2) HDR – a) significant detail about Bid and CPS when these scopes are minimal, if needed; b) no mention of alternate pipe sizing; c) NO surveying sub included, why is SAM, Inc. not used; d) neither example project provided included TxDOT reimbursement.
- 3) LAN – a) both example projects are utility relocations with TxDOT reimbursement; b) providing cost benefit analysis of different line size alternates specified; c) provide more detail about TxDOT processes.

**SELECTION: Lockwood, Andrews & Newnam, Inc. (LAN)**

FED. AID DIST. NO.	FEDERAL AID PROJECT NO.	SHEET NO.
6		1
STATE	STATE DIST.	COUNTY
TEXAS	AUS	HAYS
CONT.	SECT.	JOB
0016	02	135
		IH 35

# STATE OF TEXAS TEXAS DEPARTMENT OF TRANSPORTATION

## PLANS OF PROPOSED STATE HIGHWAY IMPROVEMENT

FEDERAL AID PROJECT NUMBER

PTF ( )  
CSJ 0016-02-135

NET LENGTH OF PROJECT= 2764.72 FT= 0.523 MI  
ROADWAY = 2764.72 FT  
BRIDGE = 0.00 FT  
TOTAL = 2764.72 FT

## HAYS COUNTY I.H. 35 AT YARRINGTON ROAD

LIMITS FROM APPROXIMATELY 1425 FT NORTH OF YARRINGTON ROAD TO 1340 FT SOUTH OF YARRINGTON ROAD  
IN HAYS COUNTY.

FOR THE CONSTRUCTION OF FRONTAGE ROADS WHICH INCLUDES: GRADING, BASE, STRUCTURES,  
CURB & GUTTER W/DRAINAGE SEWER, ASPHALT PAVEMENT, SIGNING AND PAVEMENT MARKING.

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	SUPPLEMENTAL INDEX

FINAL PLANS

LETTING DATE: \_\_\_\_\_  
DATE CONTRACTOR BEGAN WORK: \_\_\_\_\_  
DATE WORK WAS COMPLETED & ACCEPTED: \_\_\_\_\_  
FINAL CONTRACT COST: \$ \_\_\_\_\_  
CONTRACTOR: \_\_\_\_\_

FUNCTIONAL CLASSIFICATION: URBAN COLLECTOR  
FRONTAGE ROAD

DESIGN SPEED = 70 MPH (MAIN LANES)  
= 50 MPH (FRONTAGE ROADS)  
= 25 MPH (UTURNS)  
= 40 MPH (CROSS STREETS)

A. D. T. = 104,900 (2010)  
159,700 (2030)

REQUIRED SIGNS AND BARRICADES SHALL BE  
IN ACCORDANCE WITH BC STANDARDS AND THE  
"TEXAS MANUAL OF TRAFFIC CONTROL DEVICES".

SIGNS CW20-1D WITH TYPE A WARNING LIGHTS AND  
G20-2 TO BE PLACED ON INTERSECTING ROADS.

I HEREBY CERTIFY THAT THIS PROJECT WAS  
CONSTRUCTED IN SUBSTANTIAL COMPLIANCE  
WITH THE FINAL AS-BUILT PLANS AND  
SPECIFICATIONS.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
HAYS COUNTY COMMISSIONER DATE

\_\_\_\_\_  
HAYS COUNTY JUDGE DATE

CORRECT: \_\_\_\_\_ 20 \_\_\_\_\_  
APPROVED FOR LETTING

\_\_\_\_\_  
AREA ENGINEER

RECOMMENDED FOR LETTING: \_\_\_\_\_ 20 \_\_\_\_\_  
APPROVED FOR LETTING

\_\_\_\_\_  
DISTRICT DESIGN ENGINEER

RECOMMENDED FOR LETTING: \_\_\_\_\_ 20 \_\_\_\_\_  
APPROVED FOR LETTING

\_\_\_\_\_  
DISTRICT ENGINEER

\_\_\_\_\_  
DIRECTOR, DESIGN DIVISION

TXDOT 60% SUBMITTAL  
11/12/12

PRELIMINARY  
FOR INTERIM REVIEW ONLY

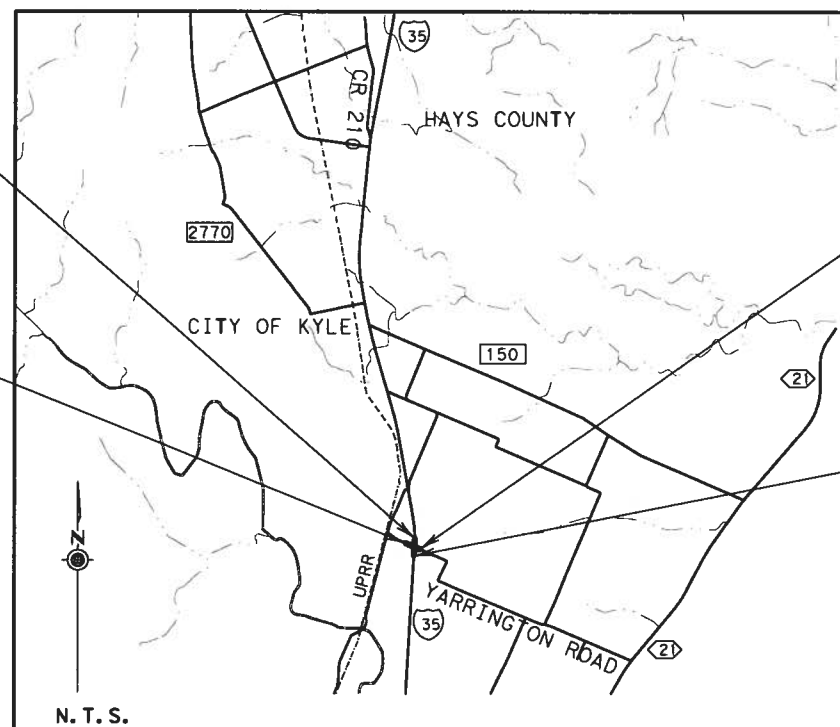
Not for construction, bidding,  
or permit purposes.

CP&Y

Engineer PAUL A. SCHRADER  
P.E. No. 96501 Date 11/12/2012

STA 1271+71.86 (IH35)  
BEGIN PROJECT  
BEGIN CSJ 0016-02-135  
RM = 210-0.42

STA 768+90.00 (YARR)  
BEGIN CONSTRUCTION



STA 787+97.79 (YARR)  
END CONSTRUCTION

STA 1299+36.58 (IH35)  
END PROJECT  
END CSJ 0016-02-135  
RM = 211+0.05

EXCEPTIONS: NONE  
EQUATIONS: NONE  
RAILROADS: NONE



TBPE FIRM #1741

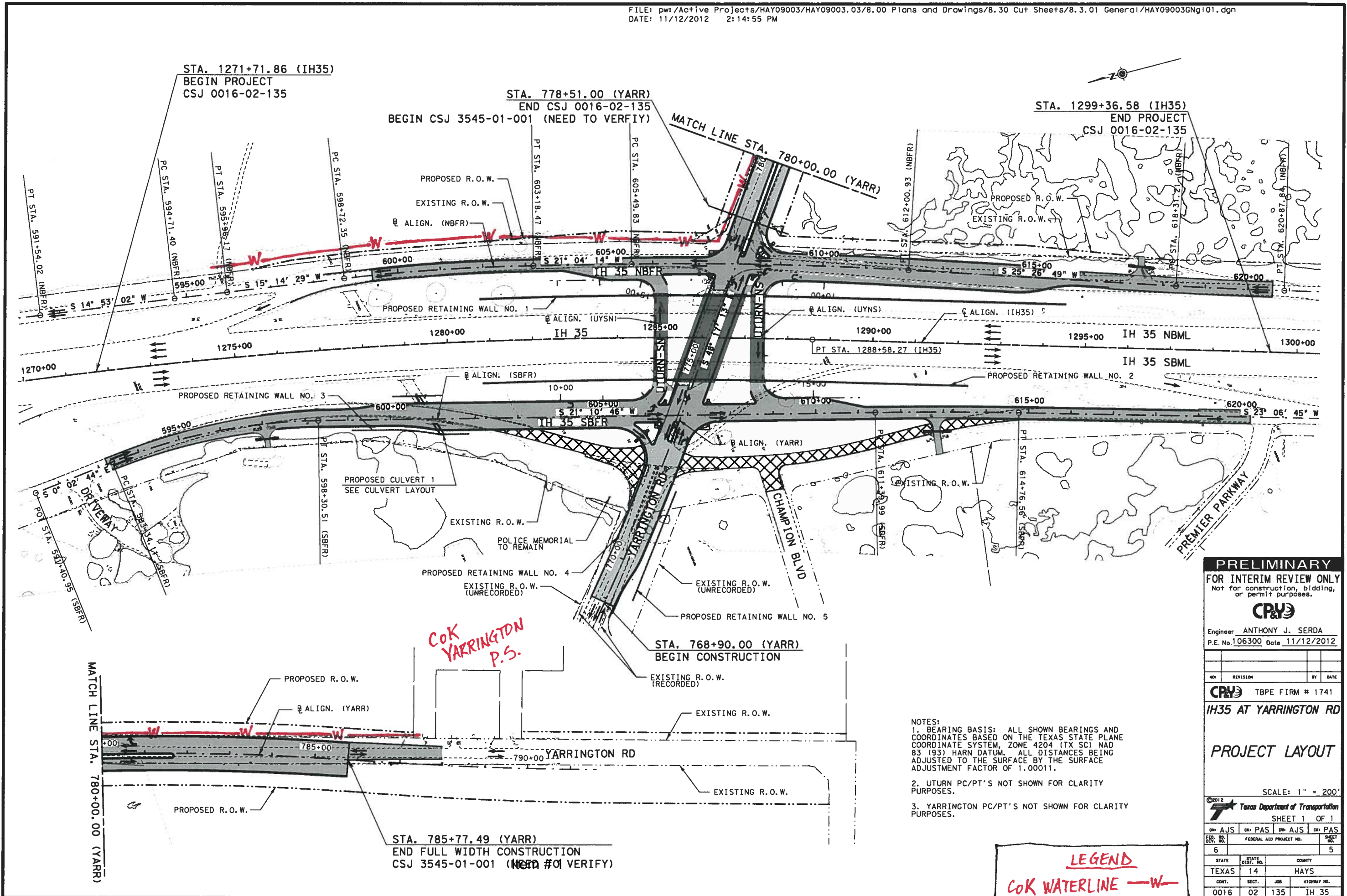


Texas Department of Transportation  
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Item # 1

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SPECIFICATIONS ADOPTED BY THE TEXAS DEPARTMENT OF  
TRANSPORTATION, JUNE 1, 2004 AND SPECIFICATION ITEMS  
LISTED AND DATED AS FOLLOWS, SHALL GOVERN ON THIS PROJECT: REQUIRED  
CONTRACT PROVISIONS FOR ALL FEDERAL-AID CONSTRUCTION CONTRACTS  
(FORM FHWA 1273, MAY 2012)



STA. 1271+71.86 (IH35)  
 BEGIN PROJECT  
 CSJ 0016-02-135

STA. 778+51.00 (YARR)  
 END CSJ 0016-02-135  
 BEGIN CSJ 3545-01-001 (NEED TO VERIFY)

STA. 1299+36.58 (IH35)  
 END PROJECT  
 CSJ 0016-02-135

MATCH LINE STA. 780+00.00 (YARR)

MATCH LINE STA. 780+00.00 (YARR)

STA. 785+77.49 (YARR)  
 END FULL WIDTH CONSTRUCTION  
 CSJ 3545-01-001 (NEED TO VERIFY)

*COK  
 YARRINGTON  
 P.S.*

- NOTES:
1. BEARING BASIS: ALL SHOWN BEARINGS AND COORDINATES BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, ZONE 4204 (TX SC) NAD 83 (93) HARN DATUM. ALL DISTANCES BEING ADJUSTED TO THE SURFACE BY THE SURFACE ADJUSTMENT FACTOR OF 1.00011.
  2. UTURN PC/PT'S NOT SHOWN FOR CLARITY PURPOSES.
  3. YARRINGTON PC/PT'S NOT SHOWN FOR CLARITY PURPOSES.

**LEGEND**  
*COK WATERLINE -W-*

**PRELIMINARY**  
 FOR INTERIM REVIEW ONLY  
 Not for construction, bidding, or permit purposes.



Engineer ANTHONY J. SERDA  
 P.E. No. 106300 Date 11/12/2012

NO.	REVISION	BY	DATE

CP&Y TBPE FIRM # 1741

IH35 AT YARRINGTON RD

**PROJECT LAYOUT**

SCALE: 1" = 200'

Texas Department of Transportation			
SHEET 1 OF 1			
DESIGNED BY: PAS	CHECKED BY: PAS	DRAWN BY: PAS	DATE: PAS
FED. AID DIST. NO. 6	FEDERAL AID PROJECT NO.	COUNTY	SHEET NO. 5
STATE	STATE DIST. NO.	COUNTY	
TEXAS	14	HAYS	
CONT.	SECT.	JOB	HIGHWAY NO.
0016	02	135	IH 35



City of Kyle, Texas  
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: December 20, 2012  
CONTACT CITY DEPARTMENT: Engineering  
CONTACT CITY STAFF: Stephen Widacki, P.E.  
City Engineer

SUBJECT: Approve award and authorize the negotiation of a professional services agreement with LOCKWOOD, ANDREWS, & NEWMAN, INC., to perform the engineering services, including acquisition of easement rights, associated with the relocation of the City of Kyle utilities impacted by the IH-35 at Yarrington road improvements project (TxDOT CSJ 00116-02-135) for a not to exceed amount of \$300,000.00.

CURRENT YEAR FISCAL IMPACT:

The City will incur cash outlay in advance for project specific expenditures including engineering, design, and easement acquisition services estimated not to exceed \$300,000.00. The City will enter into an Advance Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) to subsequently receive reimbursements.

In addition to the engineering and design costs, the City will also be responsible for advance funding the construction costs for this project in anticipation of receiving reimbursement from TxDOT. The Advance Funding Agreement between the City and TxDOT has not yet been authorized by the City Council, which upon execution, will establish the terms and conditions and the maximum amounts that the City will be reimbursed for this project.

- |                               |  |
|-------------------------------|--|
| 1. City Department:           | Engineering  |
| 2. Project Name:              | Engineering, Design, & Easement Acquisition Services for Water Utility Relocation for the IH-35 at Yarrington Road Improvement Project |
| 3. Budget/Accounting Code(s): | 310-000-11241  |
| 4. Funding Source:            | Water & Wastewater Utility Fund  |
| 5. Current Appropriation:     | \$ 0.00  |
| 6. Unencumbered Balance:      | \$ 2,846,375.00 As of 9/30/2012 (Unaudited)  |
| 7. Amount of This Action:     | <u>\$ (300,000.00)</u>   |
| 8. Remaining Balance:         | <u>\$ 2,546,375.00)</u>  |

FUNDING SOURCE OF THIS ACTION:

**The City Council, as part of approving this contract award to LAN, will also be authorizing the City Manager to "advance or loan" cash from the Fund Balance of the City's Utility Fund in the amount of \$300,000.00 to pay for engineering, design, and easement acquisition services in anticipation of the Utility Fund being reimbursed by TxDOT.**

It is important to note that should the Advanced Funding Agreement with TxDOT, which is planned for City Council's authorization in the future, fails to provide for the City to be reimbursed 100 percent for all funds advanced for this project or should the City fail to fully comply with the terms and conditions of the Advance Funding Agreement with TxDOT, the City assumes complete risk of paying for all of the expenditures incurred to the extent not reimbursed by TxDOT.

Under such circumstances, all project expenditures that is not reimbursed by TxDOT will cause for an immediate water utility rate increase. As an alternative, the City Council could direct that all non reimbursed amounts be paid from the City's General Fund in which case, an adverse impact on the City's property tax rate will result.

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.