



# CITY OF FERNLEY

## CITY COUNCIL

### AGENDA REPORT

Meeting Date: December 15, 2021

<b>REPORT TO:</b>	Mayor and City Council
<b>REPORT THRU:</b>	<b>Daphne Hooper, City Manager</b>
<b>REPORT FROM:</b>	<b>Jessica Dover, Senior Project Manager</b>
<b>REVIEWED BY:</b>	Brandi Jensen, City Attorney
<b>REVIEWED BY:</b>	Denise Lewis, City Treasurer

<b>FINANCIAL IMPACT:</b> Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	<b>CURRENTLY BUDGETED:</b> Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	<b>FUND/ACCOUNT:</b> <b>520-166-100</b>
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**ACTION REQUESTED:**  Consent  Ordinance  Resolution  Motion  Receive/File

**AGENDA ITEM: Staff Report (For Possible Action): Possible Action to Ratify the Contract for Construction Services for Emergency Repair Work associated with the US 50A/95A Sewer Improvements and Sage Force Main Valve Installation Project, to A&K Earth Movers, Inc., in an amount not to exceed \$578,850, plus a 5% contingency of \$30,000.**

**Agenda Item Brief:**  
The US 50A/95A Sanitary Sewer Improvements and Sage Force Main Valve Installation Project (Project) was approved as part of the FY 21/22 Budget. The Project is currently at 30% design and includes rehabilitation or replacement of the existing sanitary sewer main, located at the east side of the US 50A/95A/Canal DR crossing, along with replacement of (2) associated Sanitary Sewer Manholes (SSMHs). Evaluation of the main for replacement occurred on November 04, 2021. During the field work, the sewer camera broke through the inner pipe of the sewer main, resulting in the need for an immediate Emergency Repair of the main.

**Recommended Motion:**  
**“I move to Ratify the Contract for Construction Services for Emergency Repair Work associated with the US 50A/95A Sewer Improvements and Sage Force Main Valve Installation Project, to A&K Earth Movers, Inc., in an amount not to exceed \$578,850, plus a 5% contingency of \$30,000.”**

**Business Impact (per NRS Chapter 237):**

A Business Impact Statement is Attached.

A Business Impact Statement is not required because this is not a rule (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A, or 278B).

See attached report for background, analysis, alternatives.

## ALTERNATIVES:

1. City Council may ratify the Contract for Construction Services for Emergency Repair Work of the US 50A/95A/Canal DR Sanitary Sewer crossing
2. City Council may provide additional direction to the City Manager

## PROJECT SUMMARY:

The intent of this Project is to complete rehabilitation and/or reconstruction requirements for a portion of sewer infrastructure through the US 50A/95A corridor. Improvements will be completed outside of the pavement section; improvements within the paved roadway were previously addressed as part of the NDOT US 50A Improvement Project, completed in FY 21 under State Contract 3829. The proposed improvements include but are not limited to: an investigation of existing conditions, engineering design for rehabilitation and/or replacement of (3) existing SSMHs, replacement of approximately 140 LF of sewer pipe along the existing bridge structure at Canal DR on the east side of US 50A/95A, installation of additional valves along the existing force main at Sage DR, re-route existing conduit bank previously discovered during construction of NDOT E.A. 74038.

Lumos and Associates, Inc. (Lumos) was awarded the Contract for Engineering Services for the Project in July, 2021. The 30% design submittal was received by the City on October 04, 2021.

60% design criteria, in-part, requires an existing (E) condition evaluation of the sewer main near the NDOT bridge structure located over the canal at Canal DR on the east side of US 50A/95A. The sewer crossing consists of (2) pipes; an outer steel casing and an inner pipe that serves as the sewer main.

To assist with design efforts, the City's Wastewater Division investigated the condition of the inner pipe on November 04, 2021 utilizing the City's Sewer Inspection Camera. During the inspection, the sewer camera's tethering cable severed and the camera broke through the inner pipe. The camera is stuck within the main, adding blockage and reducing flow through the interior pipe, which is already in poor condition.

In an effort to prevent potential spillage of waste water near the canal, Staff hired A&K Earth Movers, Inc. (A&K) to set-up emergency bypass pumping near the canal on November 05, 2021, utilizing NRS 338.011; Contracts Related to Emergency. The sewer main is currently still on bypass.

Per NRS 338.011, requirements of NRS 338 do not apply to a Contract, "Awarded to meet an emergency which results from a natural or artificially created disaster and which threatens the health, safety or welfare of the public." Under these circumstances, a contract or contracts necessary to contend with the established emergency may be let without complying with requirements of NRS 338. If such action is taken by an authorized representative, the authorized representative shall report the contract or contracts to the public body at the next regularly scheduled meeting of the public body.

Staff received A&K's final Proposal for the Emergency Repair Work on November 30, 2021. In an effort to expedite commencement of the repair Work to avoid unnecessary additional costs associated with bypass pumping and reduce risk in potentially discharging sewage near the canal, Staff requested approval to commence Work as outlined per Lumos' November 18, 2021 *US 50A/95A Sewer Improvements – Emergency Work Summary Memo*, and A&K's November 30, 2021 *Emergency Sewer Repair Proposal* for Construction Services, on December 01, 2021. Staff received approval to proceed with Work via email on December 02, 2021, with the intent to formally ratify the request at the next regularly scheduled City Council Meeting.

The Work generally includes but is not limited to: removal and replacement of approximately 140 LF of sanitary sewer carrier pipe and steel casing; replacement of two (2) sanitary sewer manholes, bypass pumping, traffic control, excavation, backfill and all incidentals required to complete work in conformance with the Project Contract Documents, (Lumos November 18, 2021 *US 50A/95A Sewer Improvements – Emergency Work Summary Memo* incorporated by reference). The emergency sewer line replacement and associated SSMHs will be remove/replace; improvements will generally be installed where the (E) facilities are currently

located. Contractor has been directed by City to CCTV (E) casing once the failed carrier pipe is removed. If it is determined that the casing has adequate remaining service life, the casing will be salvaged and a liner installed, potentially resulting in a more cost effective repair. A&K is currently in the process of ordering materials; the Notice to Proceed (NTP) with Construction is tentatively scheduled to be issued the week of December 13, 2021.

A&K has experience completing similar projects in the Northern Nevada Region. Their estimate to perform the Work is considered responsive and responsible. In addition, of the Contractors solicited by the City to provide a Quote for the Work, A&K was more readily available to start bypass operations and construction of the Emergency Repair.

**BACKGROUND:**

In May 2020 NDOT and the City entered into Agreement No. R181-20-030 to remove and replace three sanitary sewer manholes along US 50A as part of State Construction Contract 3829; construction of improvements for NDOT Project SPF-50A-1(006), E.A. 74038. During replacement of the sewer manholes at stations “LB1” 694+10 and “LB1” 698+66, approximately 240 LF of deteriorated sewer pipe was encountered and subsequently removed and replaced. A fourth sewer manhole encountered in the multi-use path at station “M” 33+38 nearing the end of its useful service life was replaced as well.

Improvements to the City’s Wastewater Collection System incorporated as part of NDOT’s Project were scoped to address City infrastructure located within NDOT’s paved Right-of-Way. The intent was to (1) potentially help the City realize cost savings by replacing portions of the Wastewater System beneath US 50A in conjunction with NDOT’s US 50A Royal Oak DR to SR 427 Surface Overlay and Multi-Use Path Project, (Project No. SPF-50A-1-(006)), and (2) potentially reduce necessity of cutting into new pavement in the near future to replace sanitary sewer manholes nearing the end of their service life.

This intent of the Project as originally included in the FY 21/22 Budget, is to replace and upgrade a portion of sewer infrastructure through the US 50A/95A corridor located outside of the pavement section previously reconstructed as part of the NDOT Improvements completed under State Contract 3829. The Project will now be constructed in the following Phases: (1) Work associated with the Emergency Repair, and (2) Work associated with Sage Force Main Improvements. Construction of force main improvements are tentatively scheduled to commence Summer 2022, pending NDOT, USBR and NDEP permitting requirements as applicable.

**LEGAL IMPLICATIONS:**

Policy Reference

*Nevada Statutes:*

- NRS 338.011 Contracts Related to Emergency

**FINANCIAL IMPLICATIONS:**

Project appropriations are included in the approved FY 2022 Budget as part of the Capital Improvement Plan:

- \$386,500 (520-166-100), US 50A/95A Sewer Improvements and Sage Force Main Valve Installation (Page 224, A-68)

Existing Contract for Engineering Services, Lumos and Associates, Inc.

Total Design and Bidding Services: (Task 1 through Task 8)	\$41,650
Total Construction Services: (Task 10 through Task 12)	\$36,420
Total OPTIONAL Engineering Services: (Task 9, 13 and 14)	\$18,760

Total (Including OPTIONAL Services): **\$96,830**

Contract for Construction Services, A&K Earth Movers, Inc.

Initial Bypass Pumping: (Schedule A)	\$59,600
Sanitary Sewer Repairs: (Schedule B)	\$424,000
<u>Additional Bypass Pumping: (Schedule C)</u>	<u>\$95,250</u>
Total:	<b>\$578,850</b>

Staff is requesting that FCC approve an additional approximate **5% contingency** in the amount of **\$30,000**. If it is necessary to perform work to be paid from the proposed contingency amount, a written request from the Contractor detailing the need, scope and not-to-exceed budget for any proposed work will be submitted following the process stipulated in the Project Contract Documents. Work shall proceed only with the City Project Manager's prior written approval

Project Total Additional Funding, Emergency Repair Work:

FY 21/22 Project Budget	\$386,500
Lumos Contract for ENGR Services	(\$96,830)
A&K Contract for CONST Services	(\$578,850)
<u>5% Contingency, Contract for CONST Services</u>	<u>(\$30,000)</u>
Total Estimated Overage exceeding FY 22 Approved Budget:	<b>(\$319,180)</b>

Additional Engineering Services for the Project will be required; completing a portion of the US 50A/95A Sanitary Sewer Improvements and Sage Force Main Valve Installation Project as an emergency repair will result in additional Project Management, Contract Administration, Design, Utility Coordination, Agency Coordination and Permitting and CM Services that were not originally scoped as part of the Project. An Amendment to the (E) Contract for Engineering Services with Lumos and Associates, Inc. may be brought to Council for consideration at a future date.

Construction Services related to Emergency Repair Work, Construction Services for Sage DR Force Main Improvements, and all remaining Engineering Services for the Project will be paid from the City's ARPA Funds.

**ATTACHMENTS:**

- 1.) Agreement Between Owner and Contractor for Construction Contract (SP), A&K Earth Movers, Inc.