

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	August 6, 2018
	<b>Agenda Item No.</b> <b>Roll Call No.</b> <b>Communication No.</b> <b>Submitted by:</b>	<b>45B</b> <b><u>18-1361</u></b> <b><u>18-401</u></b> <b>Benjamin R. Page, Park and Recreation Director, and Steven L. Naber, P.E., City Engineer</b>

**AGENDA HEADING:**

Approving exception to the City’s Request for Proposal (RFP) process for good cause and approving a Professional Services Agreement (PSA) with Calhoun-Burns & Associates, Inc. for design and construction phase services for Fleur Drive Passageway, not to exceed \$286,363.

**SYNOPSIS:**

Recommend approving exception to the City’s RFP process for good cause and approving the PSA with Calhoun-Burns and Associates, Inc., Michael Vander Wert, President, 1500 30<sup>th</sup> Street, West Des Moines, Iowa, 50266, for a total cost not to exceed \$286,363, based on hourly rates, to provide design and construction phase services for Fleur Drive Passageway.

**FISCAL IMPACT:**

Amount: \$286,363

Funding Source: 2018-2019 CIP, Page Miscellaneous Improvements-7, Fleur Drive Passageway, MS019 (Private donations secured by Des Moines Water Works Foundation).

**ADDITIONAL INFORMATION:**

- In 2013, Des Moines Water Works initiated a master plan process for Water Works Park to create a long-lasting vision for the future of this important 1,500-acre urban park. As its first project, the Des Moines Water Works Foundation (DMWWF) chose an enhanced public activity node at the eastern end of Water Works Park and adjacent to Gray’s Lake Park. A key feature of this first project is the Fleur Drive Passageway (underpass) connecting Gray’s Lake and Water Works Parks, which has been estimated to cost \$3,500,000 and will be funded by the DMWWF.
- On April 23, 2018, by Roll Call Number 18-0724, City Council approved the Intergovernmental 28E Agreement with Des Moines Water Works and DMWWF for construction and funding of the Fleur Drive Passageway.
- The Fleur Drive Passageway includes construction of a passageway structure beneath Fleur Drive to connect Water Works Park to Gray’s Lake Park.

- Programming, preliminary design, hydraulic modeling, and jurisdictional coordination and permitting services for the Fleur Drive Passageway were previously completed by the DMWWF's consultant team.
- The City is desirous of hiring members of the DMWWF's consultant team to complete final design and provide construction phase services for the Fleur Drive Passageway.
- The City Engineer recommends that good cause exists to exempt the procurement of these professional services from the Engineering Department's Request for Proposal process, including advertisement, in order to efficiently complete the design and construction of the Fleur Drive Passageway. Calhoun-Burns and Associates, Inc. is qualified to perform the professional services and was selected to complete the Fleur Drive Passageway based on their previous work completed as part of the DMWWF's consultant team.
- City staff have negotiated a PSA with Calhoun-Burns and Associates, Inc. for a total cost not to exceed \$286,363 based on hourly rates, to provide final design and construction phase services for the Fleur Drive Passageway.

**PREVIOUS COUNCIL ACTION(S):**

Date: April 23, 2018

Roll Call Number: [18-0724](#)

Action: [Approving](#) Intergovernmental 28E Agreement with Des Moines Water Works and Des Moines Water Works Foundation for construction and funding of Fleur Drive Underpass Project. ([Council Communication No. 18-196](#)) Moved by Mandelbaum to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Board: Park and Recreation Board

Date: March 27, 2018

Resolution Number: 18-023

Action: Motion by Potter to approve proposal. Second by Boggus. Motion carried 13-0. Two absent Woodard, and Avant.

Board: Park and Recreation Board

Date: August 23, 2016

Roll Call: 16-065

Action: While the board approves the master plan, we make note of special concerns regarding the proposed tunnel from Water Works Park to Gray's Lake. The board requests that the Water Works Foundation, or committee where appropriate, enhance outreach efforts to parties directly impacted by the proposed tunnel, including local neighborhood associations. The board requests that the tunnel project be brought back to the Park and Recreation Board for further comment and approval at the appropriate time. Specific concerns include the following:

- 1) What is the total cost of the tunnel project? Are approaches included in this cost?
- 2) How will the tunnel project be funded? What are the specific sources?
- 3) How will it be maintained? What is the estimated cost? Who will be responsible for maintenance cost, including the approaches?
- 4) With the tunnel in place, how will that impact the hydrology during and after flood events? Who will pay for repairs to the approaches to the tunnel due to flood events?
- 5) Who will be the end owner for purposes of liability claims?
- 6) What will be the impact to the Gray's Lake (and Fleur Drive) during construction?

Second by Davis. Motion carried.

#### **ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

City staff does not anticipate any future Council actions on this PSA at this time; however, unanticipated changes to this PSA will require a Supplemental Agreement, which may require Council action.

City Council should anticipate future Council actions related to proceeding with construction of the Fleur Drive Passageway, which include ordering construction, public hearing, receive and file bids, designated lowest bidder, approve contract and bond, partial payments to the contractor, and final acceptance of work

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