

COUNCIL COMMUNICATION

	Number:	20-110	Meeting:	March 9, 2020
	Agenda Item:	10	Roll Call:	20-0408
	Submitted by:	Jonathan A. Gano, P.E., Public Works Director, and Steven L. Naber, P.E., City Engineer		

AGENDA HEADING:

Approving exception to Request for Proposal (RFP) process for good cause and approving Professional Services Agreement (PSA) with Stantec Consulting Services, Inc. for levee certification services for Des Moines Levee Alterations Programmatic Support Phase A-H, not to exceed \$588,800.

SYNOPSIS:

Recommend approval of exception to the Engineering Department's RFP process for good cause and approval of the PSA with Stantec Consulting Services Inc., for a total cost not to exceed \$588,800, based on hourly rates, to provide programmatic support services for Des Moines Levee Alterations Programmatic Support Phase A-H.

FISCAL IMPACT:

Amount: \$588,800

Funding Source: 2019-2020 CIP, Page Storm Water-6, Flood Mitigation Improvements, SM087, State Flood Mitigation funds

ADDITIONAL INFORMATION:

- Following the 2008 Midwest Flood, the United States Army Corps of Engineers (USACE) conducted the Des Moines River Regulated Flow Frequency Study (DMRRFFS) to estimate the frequency and magnitude of future reservoir outflows and downstream river flows. Completed in November 2010 and released in January 2011, the results of the DMRRFFS showed flood flow frequencies have increased over previous USACE estimates and floods similar to the 1993 and 2008 events are more likely to occur than previously estimated. In addition to identifying the higher risk of flooding, the DMRRFFS showed that the existing levees in downtown Des Moines do not meet the standards for Federal Emergency Management Agency (FEMA) accreditation of levees provided in Title 44 of the Code of Federal Regulations (44 CFR) Section 65.10 of the National Flood Insurance Program regulations impacting FEMA flood hazard mapping.
- In March 2011, the City initiated professional services to begin responding to the USACE DMRRFFS by working through the USACE Section 408 requirements to improve the levee system to satisfy FEMA accreditation requirements. The City worked closely with the USACE Rock Island District staff to prepare a Section 408 Concept Submittal to improve the levee

system to meet accreditation requirements with City and Iowa Flood Mitigation Program funding. The Section 408 Concept Submittal was submitted to the USACE in May 2017. Following USACE concept approval, individual (detailed) Section 408 submittals are required for individual projects.

- Phase 1 Analyses were conducted and documented to identify deficiencies relative to 44 CFR 65.10 accreditation requirements. The City is addressing these deficiencies by implementing various projects along the levee systems. These projects include levee raises, modification of gatewell and closure structures, pump station modifications, installation of embankment protection, and embankment and foundation stability mitigating features such as cutoff trenches or seepage berms. In accordance with the Flood Mitigation Program Agreement (RC 15-1094, 6/22/2015), the current project completion date is December 31, 2024. As projects move forward, the terms of the agreement will be reconciled to match project schedules. The projects will be constructed in multiple phases, generally from upstream to downstream along the system and the phases are identified as Phases A thru H.
- The City will be pursuing FEMA Accreditation for Phases A thru H once the projects are completed. Programmatic support services to achieve accreditation for the system-wide (DM-I, DM-II, DM-III, and SEDM) levee alterations projects include the following:
 - Hydraulic modeling support including interior drainage model updates and hydraulic model management and updates.
 - Conditional Letter of Map Revision preparation to FEMA reflecting the hydrologic or hydraulic changes due to levee alterations.
 - Design reviews of upcoming projects to identify gaps between the Section 408 Concept Submittal (May 2017) and design packages.
 - Geotechnical Services to update previously completed geotechnical analyses with the latest design information.
 - Hartford borrow phasing plan and site management for incorporation into Phases A thru H design plans.
 - Emergency preparedness plan preparation to FEMA outlining procedures for emergency operation and public evacuation.
- The City Engineer recommends that good cause exists to exempt the procurement of these professional services from the Engineering Department's RFP process, including advertisement, in order to obtain FEMA Accreditation. Stantec Consulting Services, Inc. is qualified to perform the professional services and was selected to complete Des Moines Levee Alterations Programmatic Support Phase A-H based on:
 - Consultant previously completed Phase 1 Analyses and Master Plan Development for Phases A through H, including the Section 408 Concept Submittal.
 - Consultant currently performing a PSA for final design and permitting for Phase A and B projects.
 - Consultant was selected in 2011 to provide professional services based on their past project and levee experience, technical expertise, and analytical approach.
 - Consultant developed the recommendations for the City and has profound knowledge of hydraulic modeling.

- City staff negotiated a PSA for Phase A thru H with Stantec Consulting Services Inc. for a total cost not to exceed \$588,800, based on hourly rates, to provide programmatic support services.
- As was done on previous PSAs in which levee design services were to be provided, the Professional Liability Insurance requirements will be modified requiring the Consultant to provide not less than \$10,000,000 per claim and in the aggregate, but strictly limited to \$10,000,000 for all damages. The City's standard Professional Liability Insurance requirements state the Consultant is to provide not less than \$1,000,000 per claim and in the aggregate, but also allows for claiming economic damages that may occur.

PREVIOUS COUNCIL ACTION(S):

Date: May 7, 2018

Roll Call Number: [18-0750](#), [18-0751](#) and [18-0752](#)

Action: Approving Professional Services Agreement for Design Phase Services for the Des Moines Levee Alterations: ([Council Communication No. 18-224](#))

- (A) [Phase A](#) with Stantec Consulting Services Inc., not to exceed \$952,300. Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.
- (B) [Phase B](#) with Stantec Consulting Services Inc., not to exceed \$1,363,700. Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.
- (C) [Phase C](#) with Barr Engineering Company, not to exceed \$1,020,800. Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.

BOARD/COMMISSION ACTION(S): NONE

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 would require a Supplemental Agreement, which may require Council action.

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