City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 250524
Submitted Department/Preparer: Water
Revised 6/10/24

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in Administrative Regulation (AR) 4-1.

Executive Summary

Authorizing a $900,000.00 Design Professional Services Amendment No. 1 to Contract No. 1704 with Burns and McDonnell Engineering Company Inc. for the Regulatory Compliance and Capital Improvement Planning Optimization project for a total contract amount of $5,500,000.00; and recognizing this ordinance as having an accelerated effective date.

Discussion

Reason for Contract

In 2010, the City of Kansas City, Missouri entered into a Consent Decree with the United States Environmental Protection Agency (EPA) to reduce the volume and frequency of overflows from the City's sewer system. The City's Smart Sewer Program is currently in year 15 of a 30-year implementation period. This project will provide consent decree modification and compliance services to assist the City with seeking its fourth consent decree modification from the US Environmental Protection Agency to address projected changes in the City's financial circumstances. Pending new regulatory compliance obligations involving changes in the City's NPDES permit will result in additional compliance costs which will adversely impact the City's current funding plan for Consent Decree projects.

Design Professional Services Contract Amendment Description

City Council passed Ordinance No. 230533 on July 13, 2023, which authorized a $4,600,000.00 design professional services contract with Burns & McDonnell Engineering Company, Inc. to assist the City with seeking its fourth consent decree modification from the US Environmental Protection Agency to address projected changes in the City's financial circumstances.

The proposed $900,000.00 Amendment No. 1 will provide for a continuation of these services including system-wide hydraulic model calibrations and assessments for the 2024 and 2030 interim Consent Decree milestone compliance requirements; and up to 80 diversion structure surveys. Design Professional will perform hydraulic model calibrations using flow meter data from completed projects and diversion structure

surveys and then perform a system-wide model update in support of Consent Decree Compliance.

Design Professional Services Contract Cost Summary

- Original Contract: $4,600,000.00
- Proposed Amendment No. 1: $900,000.00
- Total: $5,500,000.00

Term

The term of the design professional services project will be 365 calendar days for proposed Amendment No. 1. The overall term for this project will be 1,095 calendar days.

MBE/WBE Goals

CREO KC established goals of 15% MBE and 10% WBE on the design professional services project on June 22, 2023.

Solicitation

The design professional services project was originally advertised in accordance with the City's requirements. One proposal was received on December 29, 2016.

Awardee/Subcontracting Participation

Burns & McDonnell Engineering Company, Inc. was selected for this project in accordance with Code of Ordinance Section 3-31(b)(1) Citywide selection with subcontracting participation of 15% MBE and 10% WBE.

Other Bidders/Subcontracting Participation

There were no other Proposals received.

Fiscal Impact

1. Is this legislation included in the adopted budget? ☒ Yes ☐ No

2. What is the funding source?
   Sewer Fund - 26-8110-807769-610300-60810118 = $900,000.00

3. How does the legislation affect the current fiscal year?
   Work on this project will begin in the current fiscal year and extend into FY27. Invoices will be submitted by the Design Professional on a monthly basis.

4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
   Funds encumbered in the current fiscal year will be disbursed over subsequent fiscal years as design proceeds. Work on the project is anticipated to be complete within 365 calendar days from when work begins.

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
   No

Office of Management and Budget Review
(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. ☐ Yes ☒ No
2. This fund has a structural imbalance. ☐ Yes ☒ No
3. Account string has been verified/confirmed. ☒ Yes ☐ No

Additional Discussion (if needed)
Click or tap here to enter text.

Citywide Business Plan (CWBP) Impact

1. View the Adopted 2025-2029 Citywide Business Plan

2. Which CWBP goal is most impacted by this legislation?
   Infrastructure and Accessibility (Press tab after selecting.)

3. Which objectives are impacted by this legislation (select all that apply):

   ☐ Engage in thoughtful planning and redesign of existing road networks to ensure safety, access, and mobility of users of all ages and abilities.
   ☐ Enhance the City's connectivity, resiliency, and equity through a better-connected multi-modal transportation system for all users.
   ☐ Build on existing strengths while developing a comprehensive transportation plan for the future.
   ☒ Develop environmentally sustainable infrastructure strategies that improve quality of life and foster economic growth.
   ☒ Ensure adequate resources are provided for continued maintenance of existing infrastructure.
   ☐ Focus on delivery of safe connections to schools.

Prior Legislation

City Council passed Ordinance No. 230533 on July 13, 2023, which authorized a $4,600,000.00 design professional services contract with Burns & McDonnell Engineering Company, Inc., for Regulatory Compliance and Capital Improvement Planning Optimization.

Service Level Impacts

In 2010, the City of Kansas City, Missouri entered into a Consent Decree with the United States Environmental Protection Agency (EPA) to reduce the volume and frequency of overflows from the City's sewer system over a 25-year period. In March 2021, the Consent Decree was modified to include additional interim and revised final performance criteria and to extend its duration to 30 years. This project will provide consent decree modification and compliance services to assist the City with seeking its fourth consent decree modification from the US Environmental Protection Agency to address projected changes in the City's financial circumstances.

Other Impacts

1. What will be the potential health impacts to any affected groups?
   The project will protect public health and the environment by restoring sewer conveyance capacity, increasing the service life of the existing sewer system, and improving the water quality of the City's waterways.

2. How have those groups been engaged and involved in the development of this ordinance?
   The 2020 – 2024 Adopted Citywide Business Plan includes the development of environmentally sound and sustainable infrastructure strategies and a tactic to reduce financial impacts of the City's Smart Sewer Program by proactively working with the EPA to adjust the timeline for project completion. Obtaining input from City leadership will be essential prior to submitting the City's proposed consent decree modification to EPA for approval.

3. How does this legislation contribute to a sustainable Kansas City?
   This project helps promote environmental quality, social equity, and economic vitality.

4. Does this legislation create or preserve new housing units?
   No (Press tab after selecting)

5. Department staff certifies the submission of any application Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), and Letters of Intent to Subcontract (LOIs) to CREO prior to, or simultaneously with, the legislation entry request in Legistar.

   No - CREO's review is not applicable
   Please provide reasoning why not:
   The original Contractor Utilization Plan was submitted to CREO KC for review on June 14, 2023, and was approved on June 23, 2023 with 15% MBE and 10% WBE participation

   There are not any changes to the assigned goals for this Amendment.

   There are Affirmative Action Program requirements in this contract.

6. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

   No(Press tab after selecting)

   Click or tap here to enter text.

7. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?
   No(Press tab after selecting)