

TO: Michael C. Van Milligen
FROM: Deron L. Muehring, Civil Engineer
SUBJECT: Upper Bee Branch Creek – Channel, Streets, & Utilities Project completion date (CIP#7201654 & 3401654)
DATE: May 1, 2015

INTRODUCTION

The purpose of this memo is to provide information related to the substantial and final completion dates for the contracts associated with the Upper Bee Branch Creek Restoration Project.

BACKGROUND

Since 1999 there has been six Presidential Disaster Declarations related to flooding in the Bee Branch Creek Watershed. The Drainage Basin Master Plan, completed and adopted by the City Council in 2001, established that there are more than 1,100 properties at risk of flood damage as a result of the flash flooding. Based on a subsequent study in 2009 by the Federal Emergency Management Agency (FEMA), there are 1,373 properties in the flood prone area. In addition to homes, there are over 70 businesses in the at-risk area with over \$500 million in annual sales.

On November 18, 2013 the City Council passed Resolution 335-13 adopting the 2013 Drainage Basin Master Plan Amendment. The 2013 Amendment did not replace the 2001 Drainage Basin Master Plan. Instead, it built upon its foundation. The amended Drainage Basin Master Plan outlined several improvements throughout the Bee Branch watershed, including the Bee Branch Creek Restoration Project, to mitigate the effects of future flooding and disasters.

In June of 2012, the City Council adopted Resolution 142-12, approving the City's application for funding for the Bee Branch Creek Restoration Project made available for cities and counties that received a Federal Disaster Declaration in 2011 through the U.S. Economic Development Administration (EDA) Disaster Relief Program. And in August of 2013, the City received a Financial Assistance Award from the EDA with a total federal share of \$1,227,138.00. Finally, in order to receive the \$1,227,138.00 federal award, it was necessary for the City to acknowledge and agree to comply with the grant provisions within 30 days of the award notice. Thus, the Financial Assistance

Award was signed by Mayor Roy D. Buol, the City's Authorized Representative, and returned to the EDA solidifying the federal funding obligation for the Bee Branch Creek Restoration Project. The EDA Financial Assistance Award states that the timeline for the project is as follows:

Start of Construction by: April 30, 2016
Completion of Construction by: February 8, 2017
Authorized Grant End Date: May 8, 2017

The City of Dubuque is to adhere to the timeline and provide a written request for an amendment to the Special Award Conditions if there is a change required.

On October 6, 2014 the City Council passed Resolution 306-14 authorizing the City Manager to act as an "authorized representative" on the Economic Development Administration grant agreement with the authority to execute any documents required by the agreement as the Economic Development Administration may reasonably request.

On April 20, 2015 the City Council passed Resolution 135-15 and Resolution 136-15 thereby approving the plans, specifications, form of contract, and estimated cost for the Upper Bee Branch Creek – Channel, Streets, & Utilities Project (Contract 1) and the Upper Bee Branch Creek – Structures Project (Contract 2) respectively.

DISCUSSION

As approved by the City Council, the contracts for the Upper Bee Branch Creek projects establish a substantial completion date of December 1, 2016 and a final completion date of May 1, 2017. The importance of these dates is twofold. First, they adhere to the dates reflected in the Financial Assistance Award from the EDA as amended. Second, they assure that the flood mitigation improvements will be functional in time for the spring rains of 2017.

The City of Dubuque held pre-bid conferences for the Upper Bee Branch Creek – Channel, Streets, & Utilities Project and the Upper Bee Branch Creek – Structures Project. According to the feedback from potential bidders, in order to meet the current substantial and completion dates, a contractor would be required to pour concrete through both winter seasons. While doing some cold weather work is feasible, the contractors expressed concern that heating the concrete to pour roadways and bridges in the winter would be cost prohibitive if not impossible. Based on feedback from potential contractors, the current project schedule would likely add up to \$2,000,000 in additional costs which would be reflected in the forthcoming bids.

After evaluating the pre-bid meeting comments and discussing them with the City's engineering consultants from Strand Associates, Inc. and IIW Engineers, the consensus was that it would be in the best interest of the City to provide the contractors more time to complete the improvements. To that end, through addendum, the contracts will reflect

a substantial completion date of July 1, 2017 and a final completion date of September 1, 2017.

In addition to the Substantial Completion and Final Completion dates, the contract outlines intermediate “milestone dates” to complete key project improvements such as the bridges and box culverts. The milestone ensure that the flood mitigation improvements associated with Contract 1 and Contract 2 of the Upper Bee Branch Creek Restoration Project will still be functional in time for the spring rains of 2017.

In order to ensure receipt of the \$1,227,138.00 in federal funding, a letter (attached) was sent to the EDA requesting an adjustment to the project completion date. The EDA provided official notification to the City on April 29th and offered a further extension of the timeline to allow for grant funding closeout activities. A comparison of the previously established schedule to the revised schedule is as follows:

	<u>Previous Dates</u>	<u>Revised Dates</u>
Award of Contract:	May 18, 2015	May 18, 2015
Notice to Proceed:	June 1, 2015	June 1, 2015
Functional:	September 1, 2016	December 1, 2016
Substantially Complete:	December 1, 2016	July 1, 2017
Final Completion:	May 1, 2017	September 1, 2017
Grant Closeout	May 8, 2017	December 1, 2017

ACTION TO BE TAKEN

No action required. This memo is to provide information only.

Attach.

- Cc: Barry Lindahl, City Attorney
- Teri Goodman, Assistant City Manager
- Gus Psihoyos, City Engineer
- Jenny Larson, Budget Director
- Ken TeKippe, Finance Director