FLM:GG [06/19/08]
Item No. 22.

A RESOLUTION 2008-06-19-0032R

FORMALLY FINDING THAT USE OF THE DESIGN-BUILD DELIVERY METHOD FOR PROCURING A SLOPE-STABILIZATION SYSTEM AT THE PEARSALL ROAD LANDFILL, LOCATED IN COUNCIL DISTRICT 4, IS APPROPRIATE FOR THE PROJECT.

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WHEREAS, the Pearsall Road Landfill is a municipal solid waste landfill located at 5302 Old Pearsall Road consisting of approximately 200 acres adjacent to Leon Creek that has been closed since 1982 and now serves as a community park; and

WHEREAS, the previously-approved Pearsall Landfill Project is to repair and secure an approximately 800-feet wide unstable slope with three tiers of gabion basket retaining walls; and

WHEREAS, the project was approximately 75% complete, when severe rain caused a soil slide on or about July 16, 2007, which caused all three gabion tiers, each approximately 9-ft tall, to fail; and

WHEREAS, the slope is continuing to slide along the top grade as well as underneath the surface between the fill layer and existing ground; and

WHEREAS, continuing soil movement since July 16, 2007 has damaged approximately 50% of the site and may cause contaminating discharge into Leon Creek from the landfill, making the need to control and remedy this unstable area an emergency; and

WHEREAS, the Council finds that, to protect public health and safety, the City must conduct an emergency procurement to engage a design-build firm to re-engineer and repair the slope; and

WHEREAS, the Capital Improvements Management Services Department has contracted with Freese & Nichols, Inc. to assist in determining the appropriateness of alternative delivery methods for the Pearsall Landfill Project; and

WHEREAS, the analysis provided by Freese & Nichols, Inc. indicated that the design-build delivery method may be the most advantageous for this project; and

WHEREAS, the City has worked with many engineering firms in the past that are capable of providing the required services, such that the City has sufficient choice to negotiate a deal fair to the City; and

WHEREAS, City personnel and the City's outside consultants have sufficient experience with design-build project delivery method such that the City is capable of managing and overseeing the project; and

WHEREAS, in light of the risk of future slope failure, the statutory competitive solicitation requirements do not apply and an emergency procurement of design-build construction services

is necessary to preserve and protect the public health and safety, preserve the landfill, and prevent any damages to other property; and

WHEREAS, this resolution will determine whether the Pearsall Landfill Project is a suitable project for the Design-Build alternative delivery method and upon approval of this resolution, the CIMS Department will procure the services of a design build firm in accordance with state and local laws under an emergency procurement, **NOW THEREFORE**;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council formally finds the following facts:

a.) The City can adequately define the project requirements, which are to stabilize the slope to prevent further soil movement and to prevent contaminating discharge into Leon Creek.

b.) This project is a public health and safety emergency such that it should be completed as soon as reasonably possible.

c.) Ordinary competitive bidding procedures would not provide a sufficiently timely solution to the public health and safety problem created by the sliding slope, but the City has sufficient contacts with qualified firms to assure the City's ability to procure the services required on fair terms.

d.) The City has sufficient experienced personnel and outside consultants familiar with the design-build project delivery method such that the City is capable of managing and overseeing the project.

SECTION 2. The design-build delivery method for procuring a slope-stabilization system at the Pearsall Road Landfill is hereby approved.

SECTION 3. There will be no fiscal impact with the adoption of this Resolution.

SECTION 4. This Resolution shall take effect on the tenth day from the date of passage hereof.

PASSED AND APPROVED this **19th** day of **June, 2008.**

M A Y O R
PHIL HARDBERGER

ATTEST:
City Clerk

APPROVED AS TO FORM:
City Attorney