

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



**City of Fayetteville Arkansas
Special City Council Meeting
February 18, 2009**

A meeting of the Fayetteville City Council was held on February 18, 2009 at 6:30 PM in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Gray, Thiel, Cook, Ferrell, Lucas, Lewis, Mayor Jordan, Assistant City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Petty and Alderman Rhoads

Pledge of Allegiance

New Business:

Ice Storm 2009 Disaster Recovery Fund: A resolution approving a budget adjustment appropriating \$4,000,000.00 to the Replacement and Disaster Recovery Fund for Ice Storm 2009 Disaster Recovery; and granting the Mayor the authority to authorize the temporary loan of up to \$1,000,000.00 from the General Fund to address cash flow needs pending Federal and State reimbursement.

City Attorney Kit Williams read the resolution.

Mayor Jordan: This has been a pretty long day.

Paul Becker, Finance and Internal Services Director: The first thing we have to do is have a special appropriation for the contracts. I am requesting to authorize \$4 million from the Disaster

and Replacement Fund. These funds would be used for haulers and monitors for the contract debris removal. It would also allocate \$300,000 to reimburse other fund departments for expenses already incurred. It would give us approximately \$100,000 in miscellaneous or contingency in case we would need it. These are all estimates. We don't really know the exact amount of debris that we have. We don't know how many trees we may have to remove. I may have to come back and request additional appropriations at another point in time.

The second portion would allow the Mayor to authorize me to move \$1 million on a temporary basis to the Replacement and Disaster Fund from the General Fund. That would be strictly a short term loan in case I need it for cash flow purposes to accommodate any bills until we get reimbursement from the Federal or State government. This would supply enough for the cash flow needs for the whole project if it comes down to that. Once we were to do that loan, if and when that is necessary, I will report that to the committee at the next available agenda session and continue to report the status of that until it is fully reimbursed.

Alderman Lewis: The \$4 million is coming from where?

Paul Becker: The \$4 million is based on revenue; \$500,000 would be the City's portion that would come from the Replacement and Disaster Fund. The \$500,000 is a reimbursement from the State Emergency Management System. The \$3 million is from FEMA, it is their seventy five percent portion.

Alderman Ferrell moved to approve the resolution. Alderman Cook seconded the motion. Upon roll call the resolution passed 6-0. Alderman Petty and Rhoads were absent.

Resolution 45-09 as Recorded in the office of the City Clerk.

Solid Resources, Inc.: A resolution to approve an agreement for Storm Debris Monitoring Services with Solid Resources, Inc. in the amount of \$483,690.00, plus a contingency in the amount of \$96,914.00.

City Attorney Kit Williams read the resolution.

Don Marr, Chief of Staff: I would like to thank the Council for coming tonight. Yesterday we opened bids at 2:00 PM. We had right responders to this RFP. The committee begin meeting yesterday and continued meeting this morning. We wrapped up our final vote and dialogue after 6:00 PM. The following were on the committee, Don Marr, Chief of Staff, Terry Gulley, Transportation Manager, Carrol Hill, Solid Waste Director, David Jurgens, Water & Wastewater Director, Greg Howe, Urban Forrester, Paul Becker, Finance and Internal Services Director and Marsha Hertweck, Accounting Manager, Fleet Manager, Dennis Pratt and Alderman Ferrell.

The monitoring debris contract was a very tough choice. It was the one that we kept going through and we had subsequent interviews. We did a short list from the eight down to four. We phone interviewed four of the firms that we had done our initial cut with and then we narrowed that down further to two. Ultimately our selection is Solid Resources, Inc. They were the

monitoring service that handled the Tulsa ice storm in Oklahoma. We had similar pricing on our last two between the rates but ultimately the supervisory or management fees had a lower rate than the other provider that we had narrowed it down to.

The monitoring services their responsibilities are to ensure that the debris that is being taken is in fact debris that qualifies for FEMA reimbursement, our public right of ways. They make sure that we are not in the middle of people's yards pulling wood out which would not count. They do the tracking.

Some of the strengths the committee felt the selected provider had was their technology, their ability to be able to attach photos and GPS coordinates and the tracking which would help in the FEMA reimbursement. Their ice debris experience. Many of the contractors in the monitoring side had extensive experience but in the end one of the areas we looked at evaluating was who had ice debris. They all had hurricane debris and tornado debris but who specifically had ice. Not that it is more complicated, but more specifically aligns with what we are dealing with here in the City of Fayetteville. Solid Resources, Inc had more ice debris direct experience. Our second choice was not the primary in any singularized debris project.

In lieu of time we have we have the actual packet that you do not have. It was the response to the RFP, it was very comprehensive. Because of that experience they talked about their prior work with FEMA and one of the largest contracts that they managed. It was an East coast cleanup which was a \$24 million project and the city was able in that case to recoup 100% of the expenses that it thought that it should. We great references from their work. We were cognizant in our selection of our monitoring service to make sure that while we wanted someone that has the ability to work with people we did not want someone whose relationships were too closely tied to the debris hauler so that we had any kind of deal between the volume of debris that might be taken to the site because if it was disqualified for FEMA purposes then ultimately the citizens would end up paying for that. We also looked to see which provider had worked most closely and had the longest record with helping cities when there were disputes between expenditures that might have been eliminated from FEMA and to help the City get the proper reimbursement and be a partner with the City to do that as opposed to leaving it to the City Accounting staff. They had a strong history of that as well.

In the monitoring contract there is pricing for field monitors, monitors at the debris sites, management oversight, and clerical responsibilities for the tracking of the work tickets and things of that nature. Where the real difference ultimately came was after we evaluated the technology difference, the prior ice experience different in terms of experience of capacity performed, we felt there was a separation in those areas. The pricing was identical on the field monitor piece but the supervisory management pricing was less expensive.

David Jurgens, Water and Wastewater Director: While we produced the contracts very quickly today, we actually used for this project a modification of our standard engineering contract; it was familiar documentation that was reviewed by the City Attorney's office. It was a standard engineering contract modified by what went out in the request for proposal that was approved by FEMA and the Corps of Engineers. All of the language was completely consistent with documents that were approved. The other party also reviewed the contract, they had their

attorneys review it, and their contracting officer or signatory officer read it as well and we do in fact have signatures back. We have a fully signed contract but did not get it in time to make copies for everyone.

Don Marr: This group, Solid Resources, Inc. is also the monitoring service for the City of Rogers. The other determining factor that we asked was the ability for the monitoring service to scale. It was our concern that we would have someone who would be able to scale and scale quickly. We specifically asked that question of our two finalist, one communicated that they were able to deploy immediately, that they had already been running ads locally, screening and hiring because they were doing the City of Rogers contract and had the number of monitors that we anticipate will be needed available immediately as of tomorrow. The other contractor said it would be a two to three day ramp up of hiring selection. That was another small dividing point.

Alderman Cook: I respect everyone's opinion on the committee. It sounds like you did a good job and have been thorough on it.

Alderman Thiel moved to approve the resolution. Alderman Lucas seconded the motion. Upon roll call the resolution passed 6-0. Alderman Petty and Rhoads were absent.

Resolution 46-09 as Recorded in the office of the City Clerk.

DRC Emergency Services, LLC: A resolution to approve a contract for Storm Debris Removal Services with DRC Emergency Services, LLC in the amount of \$2,419,185.64 plus a contingency of \$400,000.00.

City Attorney Kit Williams read the resolution.

Don Marr: The same group evaluated this RFP as well. We had a total of eighteen responders and of those eighteen we narrowed them down to five in our short list. Those five were contacted with phone interviews, what was their plan, how would they communicate to citizens in terms of what streets we would be covering, the number of crews because it was important in terms of our evaluating what we would need on the monitoring side and their prior ice experience. We asked if any of them had any pending litigation. We had a pretty extensive assessment of each of these. We received some really strong bids. We had respondents that had handled very large projects like the World Trade Center cleanup all the way through to the large hurricanes, tornados and ice. Ultimately the committee has selected DRC. They were also the lowest in price. The big issue that we had on that was that we really drilled in on was what was the plan for attacking the City in terms of the four quadrants, how quickly could they start, how long did they think it would take and could we ramp it up to have quicker removal. We asked all of our five finalists if they were interested in all four quadrants or in a single quadrant because the committee's assessment was ultimately in preference of one provider for the entire city in terms of tracking information. The other thing we asked each of them about was the subcontracting percentage, how much did they subcontract and did they give local preference because it was one of the things that were important to us. All of our finalist gave good feedback in that area.

I want to be clear that this is the debris removal, pickup, hauling, disposal, and grinding of the items that is picked up. What is not in this portion, although the evaluation of the pricing and provider will be the same, the dollar amount we are talking about in this is not encompassing the number of trees in terms of hangers and stump removal, etc. in our right of way. That will be something that we will continue to bring forward as urban foresters evaluate the actual trees.

Our RFP required that within 48 hours from the award of the contract to begin our cleanup process. We believe this provider can also scale, it is an extremely large company and had a large history of projects and they had good references. Everyone got great references so we continued to evaluate it against the criteria that we used.

The criteria was utilized in both of the RFP processes were qualifications in relation to the scope of work and direct experience and the kinds of things that we are looking at, experience and competent in their capacity for performance, so we asked questions for those that had already landed prior contracts about their ability to take on other areas. We asked about their proposed method of doing work and we scored them in that area as well as their past performance, which we evaluated through referencing in their proposals and then price. Our recommendation was DRC Emergency Services.

Alderman Cook: Was there any discussion on their safety record or any past experiences whether they had any issues with accidents or damages or any thing like that?

Don Marr: We probably did not get into their individual safety or OSHA but we did get into their practices, training and how would they as an organization handle claims or damages that might take place at individual property pickup locations. We asked that both of the monitoring service as well as the debris hauler. It was something the committee actually looked for in the responses, how did they deal with it, did they have the capability to answer telephone calls themselves as opposed to where they handled by the City. We wanted to know what level of support might be there. Specifically we spent a lot of time on the training and selection of their work force. That is actually one area we kept kind of honing on was the amount that was outsourced because we wanted to know what kind of QC controls were in place from an overall project perspective. In this particular contract we had a pretty clear separation where the other one we bounced a lot between the two finalists. We looked at things like how quickly they pay the people they subcontract and do they do it regularly and their ability to financially sustain it through the financials that were submitted through the bid process. Ultimately I think it was a pretty clear choice for the debris removal.

Alderman Lewis: Will it be the City that people will contact if they have questions when they are dealing with these companies?

David Jurgens: We will work out the detail of that at the preconstruction conference. At this point we are going to be running this project very similar to a lot of the WSIP projects. We are going to work through the monitor and the debris collector in the preconstruction to determine what has worked best in their experience because they have done these exact type of jobs in the Midwest. We will come up with a consensus of the best plan based off their information and the way they have done it. On the website we will have the method for people to call us and to

contact the contractor as well. The contractor will carry a letter stating who they are, what they are doing, and who needs to be called incase there is an issue.

Don Marr: One of the things I want the Council to be very clear on is that we are not just washing our hands of this project now that we are contracting it out. The City still has an oversight responsibility. Our project leader will be Terry Gulley, Director of Transportation and copartner with him will be David Jurgens. The City may still have responsibility for certain things that are not covered otherwise that we still have to deal with. Because we have monitors in the field we don't want to also just leave that so we have talked eternally in the City about utilizing our Engineering staff, inspectors, Building Safety inspectors and maybe even our Code Enforcement inspectors to help provide oversight to the monitoring contracts as well. We think it is important that the City keep a close eye on the project and make sure that it is managed properly.

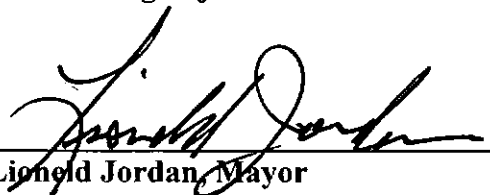
Alderman Gray: How will they get back to you, at the end of the day?

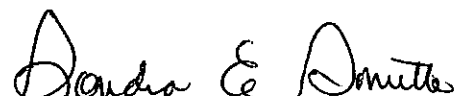
Don Marr: The monitoring company has a software application that they use that loads the information, tickets, gives the totals, can run reports daily and give us a type of reporting in terms of our reimbursement.

Alderman moved to approve the resolution. Alderman seconded the motion. Upon roll call the resolution passed 6-0. Alderman Petty and Rhoads were absent.

Resolution 47-09 as Recorded in the office of the City Clerk.

The meeting adjourned at 7:15 PM


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk/Treasurer

Adjournment: