



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Procurement
ACM: Cassey Ogden
DATE: May 2, 2023

SUBJECT

Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Freese and Nichols, Inc., for environmental engineering and consulting services for the Environmental Services and Sustainability Department as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 8171 – Professional Services Agreement for engineering and consulting services awarded to Freese and Nichols, Inc., for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$750,000.00). [The Public Utilities Board recommends approval \(7 - 0\).](#)

STRATEGIC ALIGNMENT

This action supports Key Focus Area: Pursue Organizational Excellence and Collaborative and Respectful Leadership.

INFORMATION/BACKGROUND

The Department of Environmental Services and Sustainability provides assistance to all City departments. City staff requires assistance at times with environmental and sustainability issues that are outside of staff's training, certifications, licenses, or experience. This contract will provide the resources needed to meet environmental compliance across City operations. City departments are tasked with environmental compliance for their assigned area such as wastewater operations, however, there are times they may need to acquire property, handle hazardous waste, or work through an air permit question which all would be beyond the regulatory framework of wastewater operations. The expected spend is \$150,000 per year.

Under the U.S. Environmental Protection Agency (EPA) All Appropriate Inquiries (AAI) Rule the City must have an environmental professional perform due diligence prior to purchasing the property. This contract will allow the City to have due diligence performed to meet the AAI requirements and protect the City's liabilities. The initial step is a Phase I Environmental Site Assessment (ESA) that looks at how the site is currently operating and has operated historically. If the Phase I ESA identifies any Recognized Environmental Conditions (REC) then a Phase II ESA could be needed which may include groundwater, soil, or surface water samples.

Under the EPA Spill Prevention Control and Countermeasures (SPCC) regulations require the City to have SPCC Plans prepared and certified by a Professional Engineer if a facility has aggregate oil storage of 1,320 gallons or more. SPCC rules set forth facility operation reviews, staff training, and formal re-certification

requirements. The state and federal stormwater regulations have regulatory requirements the City must meet. This contract will provide qualified resources to assist as needed in those efforts.

Hazardous waste, non-hazardous waste, special waste, and universal waste all have training, storage, handling, and disposal requirements that must be met by the City. The City is regulated as one entity and actions by one department affect the entire City for waste generation. This contract provides the resources to assist the City meet waste compliance and possible training resources.

This contract will provide environmental technical support that can be used by all City departments and the Environmental Services and Sustainability Department will coordinate the efforts. For example, with a single consultant Phase I ESA Reports will be received in one format which will reduce staff review time. There is no guaranteed work under this contract and all work will be requested on a Task Order (i.e., project-specific) basis.

Request for Qualifications (RFQ) for engineering and consulting services was sent to 808 prospective firms for these services, including 25 Denton firms. In addition, the RFQ was placed on the Procurement website for prospective respondents to download, and advertised in the local newspaper. Fourteen (14) statement of qualifications (SOQ) were received. The SOQs were evaluated based on published criteria including past performance and experience, qualifications of key personnel, work history, legal history, and references. Based upon this evaluation, the recommended award is to Freese and Nichols, Inc., and is determined to be the most qualified firm for the City.

NIGP Code Used for Solicitation:	925, 958, 969
Notifications sent for Solicitation sent in IonWave:	808
Number of Suppliers that viewed Solicitation in IonWave:	66
HUB-Historically Underutilized Business Invitations sent out:	112
SBE-Small Business Enterprise Invitations sent out:	306
Responses from Solicitation:	14

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 24, 2023, the Public Utilities Board (PUB) recommended this item to the City Council for consideration.

RECOMMENDATION

Award a contract with Freese and Nichols, Inc., for environmental engineering and consulting services for the Environmental Services and Sustainability Department, in a three (3) year, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$750,000.

PRINCIPAL PLACE OF BUSINESS

Freese and Nichols, Inc.
Fort Worth, TX

ESTIMATED SCHEDULE OF PROJECT

This is an initial three (3) year contract with options to extend the contract for two (2) additional one (1) year periods, with all terms and conditions remaining the same.

FISCAL INFORMATION

These products and services will be funded through the using department's budget on an as-needed basis. The City will only pay for services rendered and is not obligated to pay the full contract amount unless needed.

EXHIBITS

Exhibit 1: Agenda Information Sheet

Exhibit 2: Evaluation Sheet

Exhibit 3: Ordinance and Contract

Respectfully submitted:
Lori Hewell, 940-349-7100
Purchasing Manager

For information concerning this acquisition, contact: Michael Gange, 940-349-7165.

Legal point of contact: Marcella Lunn at 940-349-8333.