



20-0453

**TITLE:** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Freese and Nichols, Inc. for Professional Engineering Services to Complete an Emergency Response Plan as Required by the America's Water Infrastructure Act of 2018 and Any Necessary Supplemental Agreements

**COUNCIL GOAL:** Operational Excellence  
2B: Balance Available Resources to Accommodate the Growth and Maintenance needs of the City

**MEETING DATE:** June 2, 2020

**DEPARTMENT:** Public Works - Water Distribution

**CONTACT:** Julia J. Hunt, PE, Interim Director of Public Works  
Craig Sherwood, Water Utilities Superintendent

**RECOMMENDED CITY COUNCIL ACTION:**

- Approval of the Resolution.

**ITEM SUMMARY:**

- This Resolution authorizes the city Manager to execute a contract in the amount of \$79,800, as well as all required supplemental agreements thereto, with Freese & Nichols, Inc. for professional consulting engineering services to complete an Emergency Response Plan as required by the America's Water Infrastructure Act of 2018, for a total aggregate contract amount, inclusive of any supplemental agreements, not to exceed \$90,000.

**BACKGROUND INFORMATION:**

- On October 23, 2018, the America's Infrastructure Act (AWIA), Public Law No: 115-270 was enacted and establishes new risk and resilience requirements for Community Water Systems (CWSs). Section 2013 of AWIA amends Section 1433 of the Safe Drinking Water Act (from the 2002 Public Health and Bioterrorism Response Act) and requires all CWSs serving more than 3,300 people to conduct Risk and Resilience Assessments that consider the risk to the system from malevolent acts and natural hazards (i.e., an "all hazards"

approach). The law requires CWSs to update Emergency Response Plans (ERPs). AWIA specifies the components that the Risk and Resilience Assessments and ERPs must address and establishes the deadline of March 31, 2020 for certification to EPA that a Risk and Resilience Assessment has been completed and September 30, 2020 for the update of the ERP. The Risk and Resilience Assessment was completed and certification was provided to EPA on March 27, 2020.

- The AWIA requires that the ERP be completed within 6 months of completion of the Risk and Resilience Assessment.
- Please note that due to the sensitive information that will be contained in both the Risk and Resilience Assessment and the ERP, the discussions of those documents and some questions may need to be addressed in an executive session.
- Therefore, the City finds it necessary to adopt this resolution in order to meet Federal law.

**FINANCIAL SUMMARY:**

- This Resolution authorizes a contract with Freese & Nichols, Inc. for an amount not to exceed \$90,000.
- Funds are available in the Water Distribution Professional/Contract Services Account 003-8205-503-8516.

**BOARD OR COMMISSION RECOMMENDATION:**

- N/A

**SUPPORTING MATERIALS:**

[Resolution](#)  
[Proposal](#)