

City of Fayetteville Item Review Form

2014-0105

Legistar File Number

3/18/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Sarah Wrede

Submitted By

Development Services

Department

Action Required:

Approval of an ordinance waiving competitive bidding and approval of a one-year contract in the amount of \$46,766.73 with the Northwest Arkansas Regional Planning Commission for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension service to satisfy portions of the NPDES Phase II Stormwater Permit requirements.

Does this item have a cost? Yes

\$46,766.73

Cost of this request

\$419,235.22

Category or Project Budget

Stormwater Quality and Nutrient Reduction Plan

Program or Project Name

4470.9470.5817.00

Account Number

\$4,972.57

Funds Used to Date

Bridge & Drainage Improvements

Program or Project Category

02097

Project Number

\$367,495.92

Remaining Balance

Sales Tax Capital Improvement

Fund Name

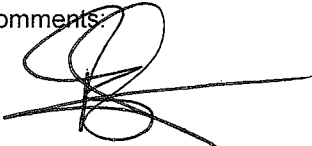
Budgeted Item? Yes

Budget Adjustment Attached? No

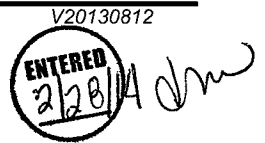
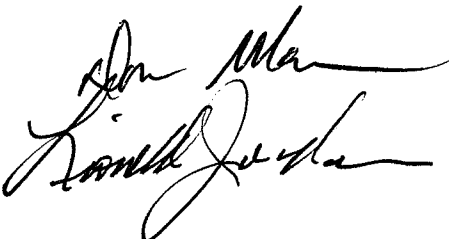
Previous Ordinance or Resolution # _____

Original Contract Number: _____

Comments:



Paul A. Bush



CITY COUNCIL AGENDA MEMO

Council Meeting of March 18, 2014

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Chris Brown, City Engineer

From: Sarah Wrede, Staff Engineer

Date: February 25, 2014

Subject: Approval of an ordinance waiving competitive bidding and approval of a one-year contract in the amount of \$46,766.73 with the Northwest Arkansas Regional Planning Commission for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension service to satisfy portions of the NPDES Phase II Stormwater Permit requirements.

PROPOSAL: Since 2003, the cities of Bentonville, Bethel Heights, Elkins, Elm Springs, Farmington, Fayetteville, Greenland, Johnson, Little Flock, Lowell, Springdale and Rogers along with Benton and Washington Counties and the University of Arkansas have been operating under EPA's federally mandated Phase II Stormwater regulations as Municipal Separate Storm Sewer Systems (MS4s). The cities of Bella Vista, Cave Springs, Centerton, Pea Ridge, Prairie Grove, and Tontitown were recently designated as MS4s based on the 2010 census and these cities are joining the education program this year. While these jurisdictions obtained separate National Pollutant Discharge Elimination System (NPDES) permits, they jointly contracted with Cooperative Extension Service (CES) through the NWA Regional Planning Commission as a successful and cost-effective means of implementing the following minimum control measures required in their Phase II permits:

- 1) Public Education and Outreach
- 2) Public Involvement and Participation
- 6) Pollution Prevention and Good Housekeeping (training for municipal employees)

Positive feedback from ADEQ and participating MS4s has led to the CES and the NWARPC partnering for an additional urban stormwater education program in support of the MS4s' new 2014-2019 stormwater management permits. This contract is for participation in a 1-Year Regional Stormwater Education and Coordination Program.

RECOMMENDATION: Staff recommends approval of an ordinance to waive the requirements of competitive bidding and to authorize the Mayor to execute a Memorandum of Understanding with the Northwest Arkansas Regional Planning Commission for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension service.

BUDGET IMPACT: Funding in the amount of \$46,766.73 is available in the Stormwater Quality Management and Nutrient Reduction Plan Budget. This Memorandum of Understanding will be paid for from these funds.

ATTACHMENTS

Memorandum of Understanding
Urban Stormwater Education Program 2010-2014 Summary
Cost Allocation Summary

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A ONE-YEAR CONTRACT WITH THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION IN THE AMOUNT OF \$46,766.73 FOR A STORMWATER EDUCATION PROGRAM

WHEREAS, the City of Fayetteville, along with seventeen other cities in Northwest Arkansas, has been operating under the Environmental Protection Agency's ("EPA") federally mandated Phase II Stormwater Regulations as a Municipal Separate Storm Sewer System ("MS4"); and

WHEREAS, the Northwest Arkansas Planning Commission has determined that a regional approach to certain minimum control measures required for renewal of MS4 permits – specifically Public Education and Outreach, Public Involvement and Participation, and the education component of Pollution Prevention/Good Housekeeping – is both logical, cost effective and appropriate, and this approach has been approved by the ADEQ; and

WHEREAS, the NWARPC has endorsed a proposal from the University of Arkansas Cooperative Extension Service to design and provide a stormwater education program to all MS4s in Northwest Arkansas; and

WHEREAS, the cost of the agreement to the City for 2014 exceeds \$20,000.00 and would otherwise require competitive bidding unless the requirement is waived.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a Memorandum of Understanding (marked as Exhibit "A" attached hereto and made a part hereof) between the City and the Northwest Arkansas Regional Planning Commission in the amount of \$46,766.73 for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension Service to satisfy portions of the EPA's Phase II Stormwater Regulations.

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Ordinance No.

PASSED and APPROVED this 18th day of March, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

Fayetteville

**MEMORANDUM OF UNDERSTANDING FOR THE MS4
JURISDICTIONS OF NORTHWEST ARKANSAS AND
THE NORTHWEST ARKANSAS REGIONAL PLANNING
COMMISSION**

WHEREAS, eighteen cities in Benton and Washington Counties, the counties themselves, and the University of Arkansas meet the U.S. Environmental Protection Agency's "small" urbanized area municipal separate storm sewer (MS4) criteria, and must comply with national Phase II Stormwater Regulations; and

WHEREAS, the Arkansas Department of Environmental Quality (ADEQ), the state agency authorized by EPA to issue National Pollutant Discharge Elimination System (NPDES) permits requiring and ensuring compliance, will establish dates for affected entities to be covered under Arkansas' general permit for MS4s; and

WHEREAS, said permit requires development, implementation, and evaluation of a stormwater management plan, that addresses each of the six minimum control measures identified in the Phase II Storm Water Regulations contained in 40 CFR 122.26 and outlined in Part I.B.; and

WHEREAS, the Northwest Arkansas Regional Planning Commission (NWARPC) has coordinated meetings between representatives of affected jurisdictions in an effort to determine, in the interest of economy and efficiency, whether certain stormwater permit components could be addressed collectively, rather than individually; and

WHEREAS, it has been determined that a cost effective, regional approach to certain minimum control measures required as part of the permit – namely Public Education and Outreach, Public Involvement and Participation, and the education component of Pollution Prevention/Good Housekeeping – is both logical and appropriate; and

WHEREAS, the NWARPC previously requested and received statements of qualifications from interested institutions and firms with demonstrated water quality educational expertise, and has, in cooperation with representatives of affected MS4 jurisdictions, endorsed the attached proposal from the University of Arkansas Cooperative Extension Service; and

WHEREAS, the ADEQ has endorsed the regional concept and proposal for addressing said minimum control measures; and

WHEREAS, said representatives of affected MS4s have also endorsed the distribution of costs associated with the proposal as shown on the attached cost allocation plan; and



Fayetteville

WHEREAS, the Board of Directors of the NWARPC have authorized the Commission to act as the financial clearinghouse and primary contractor, on behalf of said MS4s, in connection with said proposal.

NOW, THEREFORE BE IT RESOLVED THAT WE, THE UNDERSIGNED MS4 JURISDICTION, AND THE BOARD OF DIRECTORS OF THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION, AGREE AS FOLLOWS:

SECTION 1. To participate in a 1-Year Regional Stormwater Education and Coordination Program (January 1, 2014 – December 31, 2014), to be carried out by the University of Arkansas Cooperative Extension Service through an engagement with the Northwest Arkansas Regional Planning Commission, with costs based on each jurisdiction's pro-rated share of region's 2010 urbanized area population; it being understood that said services to be provided shall satisfy requirements for the federally mandated minimum control measures referenced herein. Commitments for participation in said program in future years will require governing body approval on a year-to-year basis.

SECTION 2. To participate financially in accordance with the attached cost allocation plan. Any increases in the costs allocated to the undersigned MS4 due to the failure of other MS4 jurisdictions to participate shall be subject to the approval of the undersigned MS4.

SECTION 3. That all funds received by NWARPC from MS4s shall be utilized in their entirety for stormwater management program services and coordination activities in connection with EPA Phase II Stormwater Program requirements, and shall be accounted for separately from all other Commission funds.

Dated this _____ day of _____, 2014.

Fayetteville MS4 Jurisdiction


Jeff Hawkins NWARPC