



## Legislation Details (With Text)

**File #:** ID 23-272      **Version:** 1      **Name:**

**Type:** Action Item      **Status:** Passed

**File created:** 2/3/2023      **In control:** City Council

**On agenda:** 3/30/2023      **Final action:** 3/30/2023

**Title:** Actions pertaining to the North Avenue sewer trunk main realignment (Council Districts 3, 5 and Fresno County):  
1. RESOLUTION - Adopt Resolution authorizing an exception to the formal bidding procedures and award a sole source telecommunications adjustment agreement with CenturyLink Communications, LLC.  
2. Award a telecommunications adjustment agreement in the amount of \$675,081.78 with CenturyLink Communications, LLC, for relocation of telecommunications facilities that conflict with the North Avenue sewer trunk main realignment project.

**Sponsors:** Department of Public Utilities

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1 - Sole Source Resolution.pdf, 2. Attachment 2 - Telecommunications Adjustment Agreement.pdf

Date	Ver.	Action By	Action	Result
3/30/2023	1	City Council	ADOPTED	Pass

## REPORT TO THE CITY COUNCIL

**FROM:** BROCK D. BUCHE, PE, PLS, Director  
Department of Public Utilities

**BY:** JESUS A. GONZALEZ, PE, Assistant Director  
Department of Public Utilities - Utilities Planning & Engineering

## SUBJECT

Actions pertaining to the North Avenue sewer trunk main realignment (Council Districts 3, 5 and Fresno County):

1. RESOLUTION - Adopt Resolution authorizing an exception to the formal bidding procedures and award a sole source telecommunications adjustment agreement with CenturyLink Communications, LLC.
2. Award a telecommunications adjustment agreement in the amount of \$675,081.78 with CenturyLink Communications, LLC, for relocation of telecommunications facilities that conflict with the North Avenue sewer trunk main realignment project.

## RECOMMENDATIONS

Staff recommends that City Council adopt a resolution authorizing an exception to the formal bidding procedures and award a sole source telecommunications adjustment agreement with CenturyLink

Communications, LLC, (Lumen) in the amount of \$675,081.78 to relocate telecommunications facilities that conflict with the North Avenue sewer trunk main realignment (Project); and authorize the Director of Public Utilities, or designee, to sign and execute all documents on behalf of the City of Fresno (City).

## **EXECUTIVE SUMMARY**

A portion of the North Avenue sewer trunk main collapsed and was later determined to be structurally deficient, unable to support point repairs, and requiring replacement with a new alignment. Construction activities are ongoing but have been put on hold due to unforeseen utility conflicts with Lumen telecommunications facilities. Due to utility ownership, Lumen, through its short-listed contractors, must relocate their telecommunications facilities, the cost of which must be reimbursed by the City. The Department of Public Utilities (DPU), Wastewater Management Division (WMD), is seeking to approve a sole source telecommunications adjustment agreement with Lumen in the amount of \$675,081.78 to relocate the conflicting facilities and proceed with the Project. Adoption of the resolution and approval of the telecommunications adjustment agreement are necessary at this time as the Project is currently suspended and must proceed as soon as possible.

## **BACKGROUND**

The existing sewer trunk main in North Avenue conveys an average of 11.5 million gallons of wastewater per day to the Fresno-Clovis Regional Wastewater Treatment Facility. On February 24, 2019, the sewer trunk main experienced a localized structural collapse in the proximity of Union Pacific Railroad and Burlington Northern Santa Fe Railway facilities, approximately 0.2 miles west of Maple Avenue. During a routine inspection of a nearby irrigation canal, the Fresno Irrigation District discovered a large sinkhole on their property. Upon further inspection by the DPU-WMD it was discovered that the 57-inch diameter North Avenue sewer main suffered a structural failure due to the complete corrosion of the crown of the sewer trunk main from hydrogen sulfide gas emanating from the sewer flows.

The construction contract for the Project was awarded to Emmett's Excavation Inc. (Emmett's) on November 4, 2021, following a competitive bid process. The Notice to Proceed was issued to Emmett's on March 21, 2022. The first order of work required Emmett's to locate existing utilities within the Project area to identify potential conflicts with the proposed improvements. It was then discovered that CenturyLink Communications, LLC (Lumen) owns utilities that conflict with the Project and that were not disclosed during the permitting process. The DPU engaged Lumen to coordinate the relocation of these utilities. In order to accommodate the utility relocations, the DPU issued a suspension of contract time to Emmett's on May 13, 2022, which currently remains in place.

Due to utility ownership, Lumen, through its short-listed contractors, must relocate their telecommunications facilities, the cost of which must be reimbursed by the Department of Public Utilities (DPU). Lumen has agreed to relocate two (2) telecommunications conduits contingent upon the DPU reimbursing Lumen for the cost. Lumen provided their standard Utility Reimbursement Agreement to the DPU, which was approved as to form by the City Attorney's Office. The cost of the telecommunication facilities relocation encompasses engineering design, material purchase, equipment rental, and labor for construction. Total construction time is estimated to be six (6) months upon approval of the telecommunications adjustment agreement.

Upon completion of the telecommunication facilities relocation, DPU will be able to proceed with the

Project.

## **ENVIRONMENTAL FINDINGS**

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378, this item is not a project for the purposes of CEQA.

## **LOCAL PREFERENCE**

Local preference is not applicable because this is a sole source procurement.

## **FISCAL IMPACT**

There is no impact to the General Fund. The Project is located in the Council Districts 3, 5 and Fresno County. Funding for this Project is included in the Fiscal Year 2023 capital improvement budget within the Wastewater Management Division's Sewer Enterprise Fund 40501.

Attachments:

Attachment 1 - Sole Source Resolution

Attachment 2 - Telecommunications Adjustment Agreement