



TO: Mayor Shaun Sipma
Members of the City Council

FROM: John R. Zakian, DR Grant Program Manager & Chief Resilience Officer

DATE: May 2, 2020

SUBJECT: APPROVE ONE YEAR EXTENDING SWANSON & WARCUP LTD AGREEMENT

I. RECOMMENDED ACTION

City Council approve extension of agreement to June 30, 2021 with Swanson & Warcup Ltd. for CDBG-DR and CDBG-NDR Flood Buyout Acquisition Eminent Domain Proceedings

II. DEPARTMENT CONTACT PERSONS

John R. Zakian, DR Program Manager & Chief Resilience Officer, 420-4528

III. DESCRIPTION

A. Background

The City of Minot original awarded a one-year contract with Swanson & Warcup, Ltd. for flood buyout acquisitions involving Eminent Domain Proceedings with an expiration date of June 30, 2018. The contract award was based on a competitive RFP. The original agreement included two, one-year extensions which have also been approved by the City Council and extended through June 30, 2020. Swanson & Warcup, Ltd. has agreed to a third one-year extension through June 30, 2021 with no increase in hourly compensation rates. It is not HUD procurement rules but, rather, the City's RFP which originally limited the current agreement to three years. HUD procurement rules do not establish maximum time periods but, rather, set guidance that length of an agreement must be necessary and reasonable. Option of undertaking a new RFP for these services is not warranted because remaining acquisitions with the potential for Eminent Domain proceedings is insufficient to likely generate reasonable pricing or interest.

B. Proposed Project

Swanson & Warcup, Ltd. agreeing to extend for an additional year without any increase in hourly fees establishes the ability of the City to demonstrate such an extension meets the necessary and reasonable standards.

IV. IMPACT:

A. Strategic Impact:

Extension of current agreement with Swanson & Warcup, Ltd. assures continuity and consistency in City acquisition efforts of flood buyout properties which necessitate Eminent Domain proceedings.

B. Service/Delivery Impact:

Contract extension for one year without increase in hourly fees meets necessary and reasonable standards.

C. Fiscal Impact:

Contract is funded by CDBG-DR, CDBG-NDR, and State Water Commission match funds

V. ALTERNATIVES

N/A

VI. TIME CONSTRAINTS

N/A

VII. LIST OF ATTACHMENTS

- i. One Year Extension Agreement
- ii. Original Agreement
- iii. Current Extension Agreement