



# STAFF REPORT

**MEETING DATE:** October 11, 2022

**TITLE:**

Consider action to approve Resolution No. R-2022-91 of the City Council of the City of Bastrop, Texas, approving a construction contract with Archer Western Construction, LLC to provide Construction Manager at Risk services for a not to exceed amount of Thirty-Five Million, Seven Hundred Ninety-Six Thousand, Two Hundred Seventeen Dollars (\$35,796,217); authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

**AGENDA ITEM SUBMITTED BY:**

Submitted by: Fabiola de Carvalho, AMP MIAM, Director of Engineering and Capital Project Management

**BACKGROUND/HISTORY:**

On September 11, 2018, the City of Bastrop City Council authorized the approval of an engineering services agreement for the design and construction administration services for the Simsboro Aquifer Water Treatment Plant, Well Field and Transmission Facilities project with Freese and Nichols, INC. (FNI).

During the design process FNI recommended to the City the use of a Construction Manager at Risk (CM@Risk/CMAR) delivery method. There was a consensus between FNI and City that this delivery method would be a benefit to the City, where the CM@Risk would work as an adviser to the City through the design and construction phases.

On September 22, 2020, the City of Bastrop City Council received a presentation on the benefits of using the CM@Risk delivery method for the Simsboro Aquifer Water Treatment Plant, Well Field and Transmission Facilities project. Please refer to the City Council Regular Meeting on September 22, 2020 (work session item 5A). Here is the link to access that Agenda: <https://www.cityofbastrop.org/page/cc.2020agenda> and the link to the video recording of that presentation: <https://www.youtube.com/watch?v=ghDzuhA4U5Q>. Presentation starts at 36 minutes and 48 seconds of the recording.

Once the presentation was completed, the City Council authorized the approval of an amendment to the FNI task order that increased the overall contract amount by \$60,000.00.

Upon approval of this task order amendment FNI started working with the City Attorney to develop a contract and request for proposal for CM@Risk design phase services. Knowing that time was of the essence, a team composed from key staff at FNI, the City Engineer, Director of Public Works, City Manager and Assistant City Manager for Community Development began working on a schedule to review, score, and select a company to provide CM@Risk design phase services.

The City advertised a Request for Qualifications on June 7, 2021 soliciting construction manager at risk services. The City received 7 Statements of Qualifications.

A selection committee comprised of Tony Buonodono, City Engineer, Curtis Hancock, Director of Public Works, Paul A. Hofmann, City Manager and Trey Job, Assistant City Manager for Community Development, selected Archer Western Construction, LLC. as the most qualified firm and the City began contract negotiations with Archer Western.

On March 23, 2021 the City of Bastrop City Council authorized the approval of a professional services agreement with Archer Western. Upon this approval, Archer Western started working in coordination with City and FNI advising the City during the design phase. These services included, but not limited to, reviewing plans and specifications, providing input on constructability issues, cost estimates, recommendation on materials and equipment for best value for the City, etc.

The overall project is split into multiple bid packages so that bid and construction of the parts of the project needed to be completed first can be started, while design of the rest of the project components are finalized.

The CM@Risk advertised request for proposals on July 6, 2022 for construction services for the Well Field and Clearwell packages (included in the Guaranteed Maximum Price, GMP1). And held a bid opening on July 27, 2022. Archer Western received 3 proposals for the Well Field project, and 2 for the Clearwell project. Archer Western selected Weisinger and Preload, for well drilling and clearwell packages, respectively.

The City of Bastrop City Council approved the construction phase contract with Archer Western, described as Guaranteed Maximum Price (GMP1), in the amount of \$8,931,902, on August 9, 2022, which included CM@Risk's contingency, the Cost of Work, Construction Fee, General Conditions, and City's contingency for the well drilling and clearwell packages.

Archer Western is currently reviewing submittals from the contractors associated with the packages included in the GMP1. And a pre-construction meeting has been scheduled for work associated with GMP1 for October 5<sup>th</sup>. The Weisinger, contracted by Archer Western, for the well drilling packaged has begun to build the access roads and will begin construction activities beginning of October. And Preload, contracted by Archer Western, for the clearwell work will begin construction activities beginning mid-November.

As mentioned above, the whole Simsboro Aquifer Water Treatment Plant, Well Field and Transmission Facilities project was split into different packages within each GMP. GMP1 includes two packages: the well drilling and the clearwell. The GMP2 includes four packages: the water treatment plant equipment, the water treatment plant construction, electrical and instrumentation, and the filter and chemical buildings.

The CM@Risk advertised request for proposals on August 15, 2022 for purchase of water treatment plant equipment, the water treatment plant construction services, the electrical and instrumentation services, and the building construction services for the filter and chemical buildings (included in the Guaranteed Maximum Price, GMP 2). And held a bid opening on September 15, 2022. CM@Risk/Archer Western received:

- 14 proposals for the various pieces of Water Treatment Plant Equipment (package 3)
- 1 proposal for the Water Treatment Plant Construction (package 4)
- 1 proposal for the Electrical and Instrumentation (package 5)

- 1 proposal for the Filter and Chemical Buildings (package 10)

Additional information on each proposal scoring and pricing is included as Exhibit D.

A selection committee comprised of Archer Western staff (the City and FNI participated as being present during the selection process, but did not assist on scoring the firms, as recommended by the City Attorney) reviewed proposals submitted to packages 3, 5 and 10, and selected the following:

- For the Treatment Plant Equipment (package 3): Various vendors (see Exhibit D ) with a proposal in the amount of \$1,717,273.
- For the Electrical and Instrumentation (package 5): T. Morales with a proposal in the amount of \$10,744,426.
- Filter and Chemical Buildings (package 10): HMC with a proposal in the amount of \$7,582,598.

Below is a summary of CM@Risk's proposals evaluation results for each package:

<b>Treatment Plant Equipment (Package 3)</b>	Qualifications	Scope/Spec Exceptions	Subcontract Exceptions	Price	Total Score
Multiple/See Exhibit D	Multiple/See Exhibit D	Multiple/See Exhibit D	Multiple/See Exhibit D	\$1,717,273	Multiple/See Exhibit D

<b>Electrical &amp; Instrumentation (Package 5)</b>	Qualifications	Scope/Spec Exceptions	Subcontract Exceptions	Price	Total Score
T. Morales	40	6	8	\$10,744,426	94

<b>Filter and Chemical Buildings (Package 10)</b>	Qualifications	Scope/Spec Exceptions	Subcontract Exceptions	Price	Total Score
HMC	35	5	4	\$7,582,598	94

Archer Western is a construction contractor and can also self-perform, if chooses to; however, Archer Western is required to notify the City in advance if has an intent on submitting a proposal, and if so, Archer Western would not be part of the selection committee, and the City would score the proposals with FNI.

Archer Western notified the City that it would be submitting a proposal for the construction of the treatment plant (package 4) and in accordance with the contract, Archer Western did not participate in the review process of this package.

A selection committee comprised of City and FNI's reviewed proposal submitted to the package and selected the following:

- For the Treatment Plant construction (package 4): Archer Western with a proposal of \$11,828,678

Below is a summary of FNI's and City's proposals evaluation results for package 4:

<b>Treatment Plant const. (Package 4)</b>	Qualifications	Scope/Spec Exceptions	Subcontract Exceptions	Price	Total Score
Archer Western	43	8	8	\$11,828,678	99

After selecting the awardees, Archer Western presented the City with their Guaranteed Maximum Price (GMP2), in the amount of \$35,296,217, which includes the Cost of Work, Construction Fee, General Conditions, and CM@Risk's contingency; and a Total Contract Price of \$35,796,217, which includes the GMP 2 and Owner's Contingency.

Because the project was split into different bid packages, the agenda item subject of this Staff Report relates to construction services for the construction of the following packages: the water treatment plant equipment, water treatment plant construction, electrical and instrumentation, and the construction services for filter and chemical buildings, which are part to and necessary for the Simsboro Aquifer Water Treatment Plant, Well Field and Transmission Facilities project, and which we are referring to as GMP2. As FNI finalizes the other design packages, Archer Western will be advertising the other packages, and City Engineering Staff will ask City Council, once again, for consideration and authorization of approval of these other packages.

With your authorization of this GMP2 and Total Contract Price, Archer Western will move forward in awarding a construction contract with the Various equipment manufacturers, T. Morales, and HMC.

Archer Western has 575 calendar days to complete the work associated with the GMP1, which includes the installation of the water treatment plant equipment, the water treatment plant construction, the electrical and instrumentation work, and the construction of the filter and chemical buildings.

#### **FISCAL IMPACT:**

FY22 Annual Budget

- New CO Bond Series 2022A: being issued in December

#### **RECOMMENDATION:**

Consider action to approve Resolution No. R-2022-91 of the City Council of the City of Bastrop, Texas, approving a construction contract with Archer Western Construction, LLC to provide Construction Manager at Risk services for a not to exceed amount of Thirty-Five Million, Seven Hundred Ninety-Six Thousand, Two Hundred Seventeen Dollars (\$35,796,217); authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

#### **ATTACHMENTS:**

- Exhibit A: Agreement for CM@Risk Construction Phase Services – GMP2 with Archer Western
- Exhibit B: Resolution No. R-2022-91
- Exhibit C: WTP– location map
- Exhibit D: GMP2 Evaluation Results for Packages 3 and 4

