



# STAFF REPORT

**MEETING DATE:** August 9, 2022

**TITLE:**

Consider action to approve Resolution No. R-2022-69 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 Eight Million, Nine Hundred Thirty-One Thousand, Nine Hundred and Two Dollars (\$8,931,902); 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 to work 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 package. 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 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.

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) selected the following:

- For the Well Field: Weisinger with a proposal in the amount of \$6,025,000.00
- For the Clearwell: Preload with a proposal in the amount for \$1,480,800.00

Below is a summary of the proposer's price and evaluation results:

<b>Well Driller</b>	<b>Qualifications</b>	<b>Scope/Spec Exceptions</b>	<b>Subcontract Exceptions</b>	<b>Price</b>	<b>Total Score</b>
Weisinger	35	8	8	\$6,025,000	91
Hydro	34	8	8	\$6,240,729	89
Alsay	36	8	8	\$7,026,950	86

<b>Clearwell</b>	<b>Qualifications</b>	<b>Scope/Spec Exceptions</b>	<b>Subcontract Exceptions</b>	<b>Price</b>	<b>Total Score</b>
Preload	37	8	8	\$1,480,800	93
DN Tanks	37	8	8	\$1,591,430	90

After selecting the two construction firms: Weisinger and Preload, Archer Western presented the City with their Guaranteed Maximum Price (GMP1), in the amount of \$8,831,902, which includes the Cost of Work, Construction Fee, General Conditions, and CM@Risk's contingency; and a Total Contract Price of \$8,931,902, which includes the GMP 1 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 with a GMP1 for the construction of the Well Field and Clearwell, 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 GMP1. 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 GMP1 and Total Contract Price, Archer Western will move forward in awarding a construction contract with Weisinger and Preload to perform the construction of the Well Field and Clearwell.

Archer Western has 575 calendar days to complete the Well Field package, and 575 calendar days to complete the Clearwell.

#### **FISCAL IMPACT:**

FY22 Annual Budget

- CO Bond Series 2021

#### **RECOMMENDATION:**

Consider action to approve Resolution No. R-2022-69 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 Eight Million, Nine Hundred Thirty-One Thousand, Nine Hundred and Two Dollars (\$8,931,902); 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 – GMP1 with Archer Western
- Exhibit B: Resolution No. R-2022-69
- Exhibit C: Well Field and Clearwell – location map