



STAFF REPORT

MEETING DATE: March 28, 2023

TITLE:

Consider action to approve Resolution No. R-2023-48 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 Twenty-Four Million, Forty-Nine Thousand, Nine Hundred Thirty-Five Dollars (\$24,049,935); authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

AGENDA ITEM 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, former 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 package, and 2 for the Clearwell package. 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. These packages associated with GMP1 are currently in construction.

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 included 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 the 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)

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 and selected the following:

- For the Treatment Plant Equipment (package 3): Various vendors

- For the Electrical and Instrumentation (package 5): T. Morales
- Filter and Chemical Buildings (package 10): HMC

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.

In advance of the GMP2 packages advertisement, 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 the proposal submitted and selected Archer Western for the Treatment Plant construction (package 4).

The City of Bastrop City Council approved the construction phase contract with Archer Western, described as Guaranteed Maximum Price (GMP2), in the amount of \$35,796,217, on October 11, 2022, which included CM@Risk's contingency, the Cost of Work, Construction Fee, General Conditions, and City's contingency for the 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 packages. Archer Western and Freese and Nichols are currently reviewing submittals from the contractors associated with the packages included in the GMP2 and mobilization has begun.

On January 25, 2023 the CM@Risk advertised request for proposals for construction services for the following packages: wellfield distribution line, lift station, transmission facilities and the sanitary sewer forcemain, the wellfield access roads and sitework, and the WTP pavement, fencing and site restoration (included in the Guaranteed Maximum Price, GMP3). And held a bid opening on March 9, 2023. Archer Western received:

- 3 proposals for the Wellfield Distribution Line (package 6)
- 3 proposals for the Lift Station, Transmission Facilities and the Sanitary Sewer Forcemain (package 7)
- 2 proposals for the Wellfield Access Roads and Sitework (package 8)
- 3 proposals for the WTP Pavement, Fencing, and Site Restoration (package 9)

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 6, 7, and 8, and selected the following:

- For the Wellfield Distribution Line (package 6): C.C. Carlton with a proposal in the amount of \$2,197,066 for PVC piping
- For the Lift Station, Transmission Facilities and the Sanitary Sewer Forcemain (package 7): C.C. Carlton with a proposal in the amount of \$13,834,017 for PVC piping
- For the Wellfield Access Roads and Sitework (package 8): C.C. Carlton with a proposal in the amount of \$1,661,125

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

Wellfield Distribution Piping (Package 6)	Qualifications	Scope/Spec Exceptions	Subcontract Exceptions	Price	Total Score
D. Guerra	35	0	0	\$2,450,320	71
CC Carlton	37.5	5	5	\$2,197,066	88
Capital Exc	42	5	4	\$2,663,333	88

Lift Station, Transmission Line and SS Forcemain (Package 7)	Qualifications	Scope/Spec Exceptions	Subcontract Exceptions	Price	Total Score
D. Guerra	35	0	0	\$14,065,050	74
CC Carlton	37.5	5	5	\$13,834,017	88
Capital Exc	42	5	4	\$16,162,921	86

Wellfield Access Roads and Site Work (Package 8)	Qualifications	Scope/Spec Exceptions	Subcontract Exceptions	Price	Total Score
Jerdon Ent.	41	5	5	\$2,108,180	83
C.C. Carlton	37.5	5	5	\$1,661,125	88

As mentioned above, 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 WTP Pavement and Site Restoration (package 9) 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 9 and selected the following:

- For the WTP Pavement and Site Restoration (package 9): Jerdon Enterprises with a proposal of \$1,292,185.56

Below is a summary of FNI's and City's proposals evaluation results for package 9:

WTP Pavement & Site Restoration (Package 9)	Qualifications	Scope/Spec Exceptions	Subcontract Exceptions	Price	Total Score
Jerdon Ent.	41	5	5	\$1,292,186	91
C. C. Carlton	37.5	5	5	\$1,345,950	86
Archer Western	47	5	5	\$1,587,320	90

After selecting the awardees, Archer Western presented the City with their Guaranteed Maximum Price (GMP3), in the amount of \$24,049,935, which includes CM@Risk's contingency, the Cost of Work, Construction Fee, General Conditions, and City's contingency for the wellfield distribution line, lift station, transmission facilities and the sanitary sewer forcemain, the wellfield access roads and sitework, and the WTP pavement, fencing and site restoration packages.

Because the project was split into different bid packages, the agenda item subject of this Staff Report relates to construction services for the following packages: wellfield distribution line, the lift station, transmission facilities and the sanitary sewer forcemain, the wellfield access roads and sitework, and the WTP pavement, fencing and site restoration, 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 GMP3. FNI finalized all design packages, and the packages associated with the GMP3 are the last packages. FNI does not anticipate additional packages.

With your authorization of this GMP3 and Total Contract Price, Archer Western will move forward in awarding a construction contract with the selected contractors.

FISCAL IMPACT:

FY23 Annual Budget

- CO Bond Series 2023

RECOMMENDATION:

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ATTACHMENTS:

- Exhibit A: Resolution No. R-2023-48
- Exhibit B: Draft Agreement for CM@Risk Construction Phase Services – GMP3 with Archer Western
- Exhibit C: WTP– location map