



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 02/08/2022

**REQUESTER:** Jason Murphy, Stormwater Program Manager

**PRESENTER:** Shawn O'Leary, Director of Public Works

**TITLE:** CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CHANGE ORDER NO. ONE TO CONTRACT K-2021-90: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND D. OWEN CONSTRUCTION, L.L.C., DECREASING THE CONTRACT AMOUNT BY \$1,642.50 FOR A REVISED AMOUNT OF \$340,859.65 FOR THE FYE 2021 MERKLE CREEK DRAINAGE IMPROVEMENT PROJECT, FINAL ACCEPTANCE OF THE PROJECT, AND FINAL PAYMENT OF \$17,042.98.

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### **BACKGROUND:**

The Merkle Creek north of Iowa Street Drainage Improvement project is located at the intersection of Iowa Street and Merkle Creek, west of Cleveland Elementary School, in the Merkle Creek watershed. The streambank was in need of stabilization and improved access for maintenance. A comprehensive and focused hydraulic and hydrologic study of this portion of Merkle Creek was conducted to provide a design for natural stream restoration techniques to maintain bed elevation and stabilize the banks to provide continued protection of property for the citizens of Norman as well as to enhance habitat and environmental conditions within the stream channel, while allowing for ease of maintenance.

On April 25, 2017, City Council approved Contract K-1617-120 with Meshek and Associates, LLC, in the amount of \$127,575 to prepare a plan set and bid documents for this project.

The bid opening was conducted on June 10, 2021, and four (4) contractors submitted bids. The Engineer's Estimate was \$748,181. The lowest bid in the amount of \$342,502.15, submitted by D. Owen Construction, LLC, from Norman, OK, was \$405,678.85 (54.2% percent) below the estimate. Meshek and Associates, LLC, reviewed the bid, found D. Owen Construction, LLC's bid and qualification to be competent to complete the project, and recommended award of the contract to D. Owen Construction, LLC. Contract K-20201-90 with D. Owen Construction was awarded by the City Council on July 13, 2021.

Budgeted capital funds in the amount of \$429,226 were available for this project in Stormwater Drainage, Construction (Account 50599968-46101; Project DR0057), for the Merkle Creek north of Iowa Street Drainage Improvement project.

**DISCUSSION:**

Construction projects are awarded to the lowest responsible bidder. Contractor bids are determined using estimated plan quantities multiplied by the contractor's unit prices for all bid items of the contract. The total of all of these costs represents the contractor's bid. During construction, each quantity is verified in the field and the contractor is to be reimbursed based on the actual quantity of materials and/or labor used.

Of the fourteen (14) bid items, only one (1) item had a quantity change. Due to the proximity of the floodplain in construction of this project, stabilization and storm water controls were required. The bid quantity of temporary silt fencing was 757 linear feet and final usage came in at 100 linear feet. This reduction in use decreased the contract from \$342,502.15 to \$340,859.65 (please see the attached Change Order No. 1 for more information related to the decrease).

The final payment amount owed to D. Owen Construction LLC. is \$17,042.98, which includes the full 5% retainage.

**RECOMMENDATION 1:**

Staff recommends that Change Order No. 1, decreasing Contract K-2021-90 for the FYE2021 Merkle Creek Drainage Improvements with D. Owen Construction LLC, by \$1,642.50 from \$342,502.15 to \$340,859.65, be approved.

**RECOMMENDATION 2:**

Staff further recommends final acceptance of the FYE 2021 Merkle Creek Drainage Improvements, Contract K-2021-90, and final payment to D. Owen Construction LLC. be approved in the amount of \$17,042.98.