



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 2/28/2023

**REQUESTER:** Jason Olsen, Director of Parks and Recreation

**PRESENTER:** Jason Olsen, Director of Parks and Recreation

**ITEM TITLE:** CONSIDERATION OF APPROVAL, ACCEPTANCE, ADOPTION, REJECTION, AND/OR POSTPONEMENT OF AMENDMENT THREE TO CONTRACT K-1920-40: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND FRANKFURT-SHORT-BRUZA ASSOCIATES, P.C. (FSB) INCREASING THE CONTRACT AMOUNT BY A TOTAL AMOUNT NOT TO EXCEED \$200,000 FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED OF \$3,530,975 TO PROVIDE ADDITIONAL PROFESSIONAL SERVICES AND CONTINGENCY FOR THE YOUNG FAMILY ATHLETIC CENTER AND SENIOR WELLNESS CENTER; AND BUDGET TRANSFER AS OUTLINED IN THE STAFF REPORT.

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### **BACKGROUND:**

On August 27, 2019, the Norman City Council approved Contract K-1920-40 with Frankfurt-Short-Bruza Associates, P.C. (FSB) in the amount of \$1,980,800 for Professional Design Services for the Norman Forward Indoor Aquatic Center, Multi-Sport Facility, and the Senior Wellness Center.

On June 9, 2020, the Norman City Council approved Amendment 1 to Contract K-1920-40 in the amount of \$324,925 for additional design work through the schematic design phase to accommodate a more extensive scope for the facilities, as requested through the Citizen Ad-Hoc Groups.

On February 9, 2021, Norman City Council approved Amendment 2 to Contract K-1920-40 in the amount of \$920,250 for additional design fees. Amendment 2 covered the remainder of design fees for both projects, including construction, that is needed to accommodate the increase in project scope that was identified by the Ad-Hoc groups in the conceptual stage.

On December 14, 2021, Norman City Council approved Amendment 3 to Contract K-1920-40 in the amount of \$105,000 for additional design fees. Similar to Amendments 1 and 2, Amendment Number 3 provided additional design fees accommodating the increase in project scope to design MAC (Multiuse Athletic Center) indoor gym in order to discover an accurate cost estimate for this portion of the building, which was a priority with the Senior Wellness Center Ad-Hoc Committee. Upon obtaining an accurate cost estimate, it became clear that the MAC gym would create a funding gap as a current addition to the Senior Wellness Center and that additional

funding would need to be sought by the City at a later time. At that point, it was decided that the space in question would be better utilized as an outdoor pickleball court.

Amendment 4 is now being presented for City Council consideration to address needed Additional Services, clarify existing Basic Services and provide additional contingency. Additional Services may be administratively approved for an amount no greater than \$200,000.

## **DISCUSSION:**

For various reasons, the construction schedule for both the Young Family Athletic Center (YFAC) and Senior Wellness Center has been delayed, resulting in the expiration of the Construction Administration services originally contracted for with FSB in its original contract. K-1920-40 originally provided thirty-six (36) months worth of services, including Construction Administration. While construction is underway on both facilities and progressing toward completion on the YFAC, the construction schedule has ultimately extended beyond the original thirty-six months planned.

One reason for the delay relates to unexpected material cost increases necessitating value engineering alternatives, and uncertainties in receiving and installing the originally-planned materials. Additionally, the City notified FSB of various deficiencies identified in the performance of its services, some of which resulted in inaccurate fees, duplicative and corrective work, and time lost on the City's construction schedule. These matters have been discussed extensively with FSB over the course of several months.

Having addressed the various performance and delay issues, FSB has ultimately proposed a reduced fee for its provision of Construction Administration (including the provision of Construction Administration of any of FSB's subcontractors) through November 30, 2023. The Senior Wellness Center is estimated to be completed in Fall 2023, and YFAC has an estimated completion date of late Fall 2023. The City has evaluated the proposed fee of \$20,000 and has determined that it represents a fair value for the proposed increase in Construction Administration services.

Additionally, Amendment 4 adds Landscape Architectural services for the Multi-Sport facility addressing a re-design of the irrigation from a 2-wire system to a conventional irrigation design for a proposed Additional Services cost of \$1,500.

Further, FSB and the City have come to an agreement regarding FSB's provision of certain signage services for YFAC and the Senior Wellness Center as part of the Basic Services already paid for in the original contract; the signage services this agreement covers represent no cost increase to the City.

On January 10, 2023, City Council approved Contract K-2223-84 with Dibari Innovation Design, LLC for the fabrication and installation of public artwork intended for the roundabout directly adjacent to the YFAC facility. The City requested Additional Services from FSB relating to necessary design, coordination, and construction administration for the engineered foundation and base of the artwork installation. FSB has proposed a cost of \$24,862 for these design and construction administration services, which the City has evaluated and deemed to be a fair value for this proposed scope of work.

Also, the City and FSB have agreed to a fair value for Additional Services relating to a depth alteration to the YFAC competition pool depth. The value for these proposed additional architectural and engineering design services is \$11,000.

Thus, this Amendment 4 currently proposes approval of Additional Services in a total amount of \$57,362; \$5,000 of which is attributable to the Senior Wellness Center project and the remainder to the YFAC.

City Staff also proposes an increase to the project contingency for a total amount of \$200,000 (including the currently-identified \$57,362). City Staff proposes this contingency for additional services relating to the YFAC and Senior Wellness Center. Any such further cost increase is to be administratively approved by the Director of Parks and Recreation in order to plan for and promote efficiency in concluding the construction of both the YFAC and Senior Wellness Centers. Amendment 4 also updates FSB's hourly rates for providing additional services to its current hourly rates.

Though an advance approval of contingency for Additional Services, subject to administrative approval, is not a typical contract format for the City of Norman, City Staff is aware that other local cities have utilized this format in order to provide the necessary flexibility for timely completion of large-scale public improvements similar to the YFAC. City Staff believes the approval of additional contingency is justified under the circumstances and will prove beneficial to the City in attaining their completion timelines and operational goals for these facilities. Thus, the total proposed amendment amount for Amendment 4 is an amount not to exceed \$200,000 (\$175,000 for the YFAC and \$25,000 for the Senior Wellness Center).

ADG, Inc., our Project Management Consultant, has reviewed this Amendment and agrees it is appropriate for the proposed work.

Funds are available for this project in the NORMAN FORWARD Fund, as follows:

\$175,000 in the Young Family Athletic Center Project, Design Account (51790601-46201; project NFP110)

\$25,000 in the Senior Wellness Project, Design Account (51793365-46201; project NFP111)

**RECOMMENDATION NO. 1:** Staff recommends approval of Amendment 4 to Contract K-1920-40 with FSB in the amount of \$200,000 for design and construction administration services to the YFAC and Senior Wellness Center projects, including \$57,362 in identified Additional Services, with an allowance for the Director of Parks and Recreation to administratively approve further Additional Services up to a total cost not to exceed \$200,000 are recommended to be authorized.

**RECOMMENDATION NO. 2:** Staff recommends approval of a transfer of funds in the amount of \$175,000 from Project NFP110, NORMAN FORWARD Young Family Athletic Center Construction account (51790601-46101) to Project NFP110, NORMAN FORWARD Young Family Athletic Center Design account (51790601-46201).