



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/22/2022

REQUESTER: Paul D'Andrea, Capital Projects Engineer

PRESENTER: Shawn O'Leary, Public Works Director

ITEM TITLE: CONSIDERATION OF AWARDING, APPROVAL, ACCEPTANCE, ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BID-2223-14 AND CONTRACT K-2223-33; BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND L5 CONSTRUCTION, L.L.C., IN THE AMOUNT OF \$2,185,500, PERFORMANCE BOND B-2223-25, STATUTORY BOND B-2223-26, AND MAINTENANCE BOND MB-2223-13 FOR THE NORTH BASE COMPLEX PHASE 2 PROJECT; RESOLUTION R-2223-22 GRANTING TAX-EXEMPT STATUS; AND BUDGET TRANSFERS AND AN APPROPRIATION AS OUTLINED IN THE STAFF REPORT.

BACKGROUND:

Parks Maintenance Facility: On October 13, 2015, the citizens of Norman voted to fund the Norman Forward Program with a limited term ½ percent sales tax increase for 15 years. This initiative included a number of high-priority projects outlined in the 2014 Library Master Plan Update, the 2009 Norman Parks and Recreation Master Plan and additional projects designed to provide recreational opportunities for Norman residents. One such project was the construction of the Griffin Park Sports Complex.

The Norman Forward Program includes a Maintenance Facility for the City of Norman Parks and Recreation Department. This facility was originally to be relocated from Reaves Park to Griffin Park; however, the City subsequently changed the plans to construct a new Parks and City Transit/Public Safety Maintenance Facility adjacent to the current Fleet Maintenance Facility at the North Base Complex at 1301 Da Vinci Street near the Max Westheimer Airport. The proposed multi-departmental facility provides maintenance for Parks and Recreation vehicles and equipment, Transit System buses, and Public Safety vehicles and equipment.

North Base Complex Design: On March 14, 2017, City Council approved Contract K-1617-114 with PDG, LLC d.b.a. Planning Design Group (PDG) in the amount of \$761,000 for Professional Architectural Design Services for the Griffin Park Sports Complex.

Because PDG, LLC was performing the professional architectural design services for the Griffin Park Sports Complex, staff recommended amending the contract to include design of the new Parks Maintenance Facility. These services were over and above those included in Contract

K-1617-114. Due to the desire to co-locate the Parks, Transit and Public Safety Maintenance Facilities at the North Base Campus, staff recommended including master planning and design of the Transit and Public Safety Maintenance Facilities in the amended contract.

On August 27, 2019, City Council approved Amendment No. 1 to Contract K-1617-114 with PDG in the amount of \$430,280 for additional Architectural Design Services to add the Park Maintenance Facility and Transit/Public Safety Maintenance Facility to the existing contract for the Griffin Park Sports Complex.

On April 14, 2020, City Council approved Amendment No. 3 to Contract K-1617-114 with PDG in the amount of \$316,370 for additional Architectural Design Services to provide an increased project scope and add bidding services and construction administration services for the Park Maintenance Facility and Transit/Public Safety Maintenance Facility to the existing contract for the Griffin Park Sports Complex.

On September 8, 2020, City Council approved Amendment No. 5 to Contract K-1617-114 with PDG in the amount of \$49,500 for additional architectural design services for the proposed City Parks and Transit/Public Safety Maintenance Facility to include proposed building and parking revisions, project phasing, renderings, and inclusion of federal third party contracting requirements needed for Federal Transit Administration (FTA) Grant funding.

On September 8, 2020, City Council approved Amendment No. 4 to Contract K-1516-110 with ADG, P.C., in the amount of \$157,180 adding Construction Phase Services for the North Base Complex, Phase 1 Project to the scope of projects receiving program management services.

On October 13, 2020, City Council approved Contract K-2021-35 with Flintco LLC, in the amount of \$8,648,000 for the construction of the Park Maintenance Facility and the Transit/Public Safety Maintenance Facility.

On March 9, 2021, City Council approved Change Order No. 1 to Contract K-2021-35 with Flintco LLC, in the amount of \$64,737.65 and adding 20 Calendar Days to the contract.

On May 25, 2021, City Council approved Amendment No. 6 to Contract K-1617-114 with PDG, in the amount of \$40,000 for design services to add an additional manual wash bay to the North Base Phase 2 Vehicle Wash Facility.

On July 13, 2021, City Council approved Change Order No. 2 to Contract K-2021-35 between the City of Norman, Oklahoma, and Flintco LLC, in the amount of \$76,156.98 and 39 Calendar Days, for the construction of the City Park Maintenance Facility and the Transit/Public Safety Maintenance Facility.

On October 12, 2021, City Council approved Change Order No. 3 to Contract K-2021-35 with Flintco LLC, in the amount of \$102,609.21 and adding 58 calendar Days to the contract for construction of the Park Maintenance Facility and the Transit/Public Safety Maintenance Facility.

On January 25, 2022, City Council approved Change Order No. 4 to Contract K-2021-35 with Flintco LLC, in the amount of \$93,249.12 and adding 41 Calendar Days to the contract.

On January 22, 2022, City staff issued substantial completion for the Park Maintenance Facility and the Transit/Public Safety Maintenance Facility. Upon issuance of substantial completion, the city moved all Transit/Public Safety Maintenance operations into the new facilities, and out of the University of Oklahoma facilities. Parks Maintenance staff is awaiting completion of some critical final punch list items before moving into the new Parks Maintenance Facility to help facilitate efficient completion of the work.

On February 8, 2022, the Norman City Council approved appropriation of funds, in the amount of \$1,800,000 for the construction of the North Base Complex Phase 2 Project, which will provide a vehicle wash facility at the North Base Complex capable of serving all city fleet vehicles and transit buses.

On June 2, 2022, The City of Norman opened bids for the North Base Phase 2 Vehicle Wash Facility project. The low bid, from L5 Construction, was \$2,688,000. This was nearly \$900,000 over the project budget. Consequently, the bids were rejected.

DISCUSSION:

The North Base Phase 2 Vehicle Wash Facility will consist of a new drive-through automatic vehicle wash and a paved pre-wash area, designed to serve all City vehicles. Ideally, the City transit buses should be washed daily. Currently, only 20% of the City's fleet vehicles are washed each year and the buses are only washed once a week. The washing of the buses happens in the Transit and Fleet Maintenance Facility parking lot by a third party vendor and other fleet vehicles are washed at commercial facilities at a considerable cost to the City.

By constructing our own wash facility, the City will be able to wash the buses daily to keep up with industry standards. Furthermore, the wash facility will allow regular washing of 100% of the rest of the City fleet. The facility as designed can accommodate all police cruisers, fire engines, dump trucks and tractor-trailers. In addition to washing more vehicles more frequently, the facility will be able to better contain the wastewater generated, providing an environmental benefit as well.

Upon rejection of the bids from June 2, 2022, City staff and the project designer worked in conjunction with several of the previous bidders, to modify the project plans and specifications in an effort to "value engineer" the project in the hopes of reducing the cost. Changes included a revision of materials to be used; the addition of bid alternates to allow phasing of less critical portions of the project; and revision of the specifications to allow competitors to bid for the wash equipment.

The revised bid documents and specifications for the construction of the North Base Complex Phase 2 Project were advertised on October 6, 2022, according to State Law. Five (5) bids were received on October 27, 2022. Upon receipt of the bid proposals, GSB, Inc., the design consultant for the project, analyzed the bids and found no errors.

There were three bid alternates considered for the addition of a spot free rinse station, a manual wash bay, and alternate roofing materials respectively. Based on the bid amounts, Alternate No. 1 for the spot free rinse is recommended to be included in the contract along with the base bid.

The low bidder for the recommended base bid and alternate is L5 Construction, LLC for \$2,185,500, which is \$31,500 less than the next lowest bidder. The consultant’s final estimate for the project is \$2,193,837.65, approximately 0.38% more than the low bid. Staff has done a comparative analysis of these bids, believes the low bid is competitive and fair. L5 Construction, LLC has completed several comparable construction projects in other municipalities within Oklahoma and has met the bidding requirements set forth in the bid documents.

The budget of \$1,800,000 for this project was based on previous consultant estimates. These estimates were much lower than the final consultant estimate and the bids. Based on the actual bids and other cost estimates, a total project budget of \$2,449,000 is needed to cover all anticipated project costs. A project budget breakdown is shown in the table below:

Projected Costs		
ODEQ Permitting (ODEQ)	\$500.00	Estimated
Building Permit (City)	\$41,422.61	Estimated
Journal Record Bid Advertisement	\$228.81	Actual
OU Waterline Materials	\$25,618.27	Actual
CA (ADG)	\$89,965.00	Actual
Bid Amount	\$2,185,500.00	Actual
Project Sign (Image 360)	\$1,000.00	Estimated
Access Control & CCTV (Convergint)	\$20,000.00	Estimated
Fiber Optic Data (Chickasaw)	\$20,000.00	Estimated
Network Cables (Trans-Tel)	\$20,000.00	Estimated
Testing (CEC)	\$15,000.00	Estimated
Contingency	\$29,765.31	Estimated
Total Project Cost	\$2,449,000.00	

If the contract is approved, an additional \$450,000 in funds will be required to cover the project costs. \$150,000 of this additional cost is available to be re-allocated from the City Crack Seal Project, Construction account (Account 50596686-46101; Project SC0699). The remaining additional funding of \$300,000 is available to be re-allocated from the completed Robinson Street West of I-35, Utilities account (Account 50595552-46701; Project TR0104).

In addition, the City has received approval for a Federal Transit Administration (FTA) grant to reimburse a portion of the cost. The grant will pay for 32% of the project cost. If awarded as recommended, the FTA grant portion is estimated to be approximately \$775,000. Currently \$576,000 of City funds have been allotted to the project to cover the grant funding. This means an additional \$199,000 will need to be allocated to the project from the Capital Fund Balance to cover the new, reimbursable grant total for award of the contract. This \$775,000 will be repaid to the City’s Capital Fund balance by the federal grant.

With this contract, two amendments are also coming for Council’s consideration: Amendment No. 8 to K-1617-114, the Design Consultant contract with PDG, LLC, and Amendment No. 8 to

K-1516-110, the Program Management contract with ADG. These amendments add services and ensure the contracts properly coordinate.

RECOMMENDATION 1:

Staff recommends a transfer of \$150,000 from City Crack Seal, Construction (Account 50596686-46101; Project SC0699), and \$300,000 from Robinson Street West of I-35, Utility Relocation (Account 50595552-46701; Project TR0104), to the North Base Complex Phase 2 Project Construction account (Account 50590078-46101; Project BG0260).

RECOMMENDATION 2:

Staff further recommends an appropriation of \$199,000 from the Capital Fund Balance (Account 50-29000) to North Base Complex Phase 2, Construction (Account 22590303-46101; Project BG0260).

RECOMMENDATION 3:

Staff recommends Bid-2223-14 for the North Base Complex Phase 2 Project be awarded to the selected bidder, L5 Construction, LLC of Oklahoma City, Oklahoma for \$2,185,500 for the Base Bid and Bid Alternate 1.

RECOMMENDATION 4:

Staff further recommends that, the following contract and bonds be approved:

Contract K-2223-33,
Performance Bond B-2223-25,
Statutory Bond B-2223-26 and
Maintenance Bond MB-2223-13

RECOMMENDATION 5:

Staff further recommends that L5 Construction, LLC, be authorized and appointed as Project Agent via Resolution R-2223-22 to avoid the payment of sales and use tax on materials purchases related to the project.