



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 04/23/2023

REQUESTER: Jason Murphy, Stormwater Program Manager

PRESENTER: Scott Sturtz, Interim Public Works Director

ITEM TITLE: CONSIDERATION OF ACCEPTANCE, APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CHANGE ORDER TWO AND FINAL ACCEPTANCE OF CONTRACT K-2223-47: BY AND BETWEEN THE CITY OF NORMAN AND NASH CONSTRUCTION FOR THE VINEYARDS DRAINAGE IMPROVEMENT PROJECT AND FUND TRANSFER AS DETAILED IN THE STAFF REPORT.

BACKGROUND:

For several years, residents of The Vineyard Addition have experienced property damage due to flooding. The Vineyard Additions is a residential subdivision located east of Porter Avenue and South of Tecumseh Road. In July 2015, the City hired Meshek and Associates to perform an analysis of flooding issues reported by the residents of The Vineyard Addition. This included a review of the previous drainage reports and studies that were available. Additional detailed modeling was done to determine if any structural changes could be made that would reduce the risk of flooding in this area.

Meshek and Associates provided preliminary and final project plans for this project. These plans propose to reduce the flood risk by expanding and re-grading the existing detention pond to increase the storm water storage. The existing sidewalk will be shifted several feet to the north to allow for the pond to be expanded. The dam on the eastern boundary of the pond will be raised approximately five feet above existing grade to provide additional storm water storage. Any water from the spillway will be conveyed across a new 7.5-foot-wide flume into Woodcrest Creek east of the new pond. The vertical wall on either side of the flume will vary in height along the length of the channel but will provide at least two feet of depth for stormwater storage and conveyance. This flume will also serve as a sidewalk for residents in the area. The existing discharge pipe will be upsized to address the modified flow. The detention pond and channel design will provide protection to residents from flooding caused by pond overtopping for storm events up to the 1 percent frequency storm.

The Oklahoma Department of Emergency Management and Homeland Security (ODEMHS) and Federal Emergency Management Agency (FEMA) provide disaster response and recovery assistance and pre-disaster mitigation grant funding for mitigation projects designed to prevent or reduce future loss of lives and property and/or minimize the costs of future disaster response and recovery. The Hazard Mitigation Grant Program provides federal funds up to 75% of the costs associated with hazard mitigation projects. The required 25% local match can be in the form of cash funding or “in kind” services.

Based on discussions with staff at Meshek and ODEMHS, the Vineyard Drainage Improvement Project was submitted for consideration, with City Manager approval, of a Hazard Mitigation Grant Program grant in the summer of 2019 at a cost of \$753,600.00. In anticipation of approval, Meshek and Associates were consulted for an update of project costs in the summer/fall of 2021. The estimated cost of the project was increased to \$893,590.45 based on increases of materials and other costs that occurred since the original application in 2019. The grant application was amended to reflect these new costs.

On January 19, 2022 the City was notified that the Vineyard Drainage Improvement Project was selected and approved by ODEMHS for \$893,590.45. FEMA grants require the City to pay all costs up front and then receive reimbursement. The grant provides 75% of the project funds with a federal share in the amount of \$670,192.84 and a 25% local match of \$223,397.61. Reimbursed funds will be placed in revenue account Other Revenue-FEMA Stormwater (Account No. 225-333322).

On March 8, 2022, City Council accepted the Hazard Mitigation Grant Program grant in the amount of \$893,590.45 and approved Contract K-2122-104 between the City of Norman and the Oklahoma Department of Emergency Management and Homeland Security entering in to a State and Local Agreement agreeing to comply with the rules of grant administration and the federal regulations regarding purchasing and expending federal funds. Details of the grant are shown below.

DR-4438-0012-OK	Federal Share	Non-Federal Share	Total
Project Costs	\$670,192.84 (75%)	\$223,397.61 (25%)	\$893,590.45 (100%)
Subrecipient	\$0.00 (100%)	\$0.00	\$0.00
Management Costs		(0%)	(100%)
Total Obligation	\$670,192.84	\$223,397.61	\$893,590.45

Bids were open on March 20, 2023, and Nash Construction of Oklahoma City was the low bidder.

On April 25, 2023, City Council approved Contract K-2223-47 with Nash Construction for the Vineyards Drainage Improvement Project for \$728,216.25.

On September 26, 2023, City Council approved Change Order No. 1 to Contract K-2223-47 increasing the contract by \$204,442.00 for a new contract price of \$932,658.25.

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 thirty one (31) bid items, nine (9) items had a quantity change. Two (2) quantity change resulted in decreased costs, while seven (7) quantity changes resulted in increased costs for an overall increase of \$90,749.00 or 9.73%. The overall contract increased from \$932,658.25 to \$1,023,409.25. Please see the attached Change Order No. 2 for a complete list of bid item cost increases and decreases.

Funds exist for Change Order No. 2 in the FYE 2023 Butler Drive Project (No. DR0026, Acct. No. 50599968-46101 Construction) which was completed January 24, 2023.

The final payment amount owed to Nash Construction is \$51,170.46, which includes the full 5% retainage.

RECOMMENDATION 1:

Staff recommends that Change Order No. 2, increasing Contract K-2324-47 for the Vineyards Drainage Improvement Project with Nash Construction by \$90,749.00 be approved.

RECOMMENDATION 2:

Staff further recommends that funds be transferred from the FYE 2023 Butler Drive Project (No. DR0026, Acct. No. 50599968-46101 Construction) to the Vineyards Drainage Improvement Project (No. DR0020, Acct. No. 50595528-46101 Construction) in the amount of \$90,749.00.

RECOMMENDATION 3:

Staff further recommends final acceptance of the Vineyards Drainage Improvement Project, Contract K-2223-47, and final payment to Nash Construction be approved in the amount of \$51,170.46.