



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 12/12/2023

REQUESTER: AshLynn Wilkerson, Assistant City Attorney I

PRESENTER: Kathryn Walker, City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2324-108: BY AND BETWEEN THE CITY OF NORMAN AND PAUL BAGLEY D/B/A DESIGN SILO LLC, IN THE AMOUNT OF \$175,000 FOR PUBLIC ART TO BE PLACED IN THE ROUNDABOUT AT JAMES GARNER AVENUE AND FLOOD AVENUE, NORMAN, OKLAHOMA.

BACKGROUND:

On October 13, 2015, Norman Voters approved the \$150 million, 15-year, Norman Forward Sales Tax initiative. The program outlined various citywide projects to improve the quality of life for the residents of and visitors to Norman. One of these projects is the James Garner Avenue – Acres Street to Flood Avenue project. This project was to be allotted a budget from Norman Forward funds of \$6,000,000.

On November 8, 2016, the Norman City Council approved programming Resolution R-1617-49 requesting federal funds to extend James Garner Avenue from Acres Street to Flood Avenue. This Resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to provide 80% of the cost of construction with a 20% matching share from the City of Norman. In order to receive the federal funding, the City of Norman is required to enter into an agreement with ODOT to complete the design, acquire all rights-of-way and relocate existing utilities/encroachments at City's cost.

This Norman Forward street improvement project will create a new entry into downtown and will help alleviate traffic on both Flood Avenue and Porter Avenue. The scope of this project includes:

- Construction of a new two-lane extension of James Garner Avenue from Acres Street to Flood Avenue;
- New roadway bridge over Robinson Street;
- New two-lane modern roundabout intersection at Flood Avenue;
- Landscaping and Low Impact Development measures in roadway medians;
- Reconstruction and extension of a portion of the Legacy Trail to accommodate the new roadway;

- New lighting along the street and Legacy Trail;
- Reconstruction of local residential streets as necessary.

In March of 2017, the Norman City Council approved a design contract (K-1617-105) with Cabiness Engineering, in the amount of \$427,000, for the James Garner Avenue project from Acres Street to Flood Avenue, and Cabiness began preliminary design for the project.

On August 27, 2019, the Norman City Council approved Contract Amendment One for contract K-1617-105, between the City of Norman and Cabiness Engineering, in the amount of \$2,275, for the design of the James Garner Avenue project from Acres Street to Flood Avenue.

On March 23, 2021, the Norman City Council approved Contract Amendment Two for contract K-1617-105, between the City of Norman and Garver, LLC (as successor to Cabiness Engineering), in the amount of \$5,675, for the design of the James Garner Avenue project from Acres Street to Flood Avenue.

On January 26, 2022, the City of Norman purchased property north of Robinson Street from the Judith E. Drabek Foundation Trust, in the amount of \$81,936, for the construction of the James Garner Avenue Phase II-Acres Street to Flood Avenue Norman Forward Project.

On February 28, 2022, the City of Norman obtained property north of Robinson Street, from the University of Oklahoma, for the construction of the James Garner Avenue Phase II-Acres Street to Flood Avenue Norman Forward Project.

On April 12, 2022, the Norman City Council approved Contract Amendment Three for contract K-1617-105, between the City of Norman and Garver, LLC, in the amount of \$34,400, for the design of the James Garner Avenue Project from Acres Street to Flood Avenue.

On May 24, 2022, the Norman City Council accepted easement E-2122-65, establishing a roadway, sidewalk, and utility easement across the lands purchased for construction of the James Garner Phase II-Acres Street to Flood Avenue Norman Forward project.

On June 14, 2022, the City of Norman entered into a funding agreement with ODOT (Contract K-2122-135 & Resolution R-2122-129) for the James Garner Avenue-Acres Street to Flood Avenue Norman Forward project. The agreement split the project construction costs between City of Norman funds and federal funds administered by ODOT. The federal share was capped at \$4,825,733, leaving the City to pay \$1,664,597 based on the engineer's estimate at the time of the agreement.

On August 17, 2022, the City was invoiced by ODOT for its portion of the construction cost based on new estimates. The City's portion of construction at that time was estimated to be \$1,662,153. The City paid that amount, as invoiced, to ODOT per the project funding agreement from the Norman Forward project account.

On October 20, 2022, ODOT opened bids for the James Garner Avenue-Acres Street to Flood Avenue Norman Forward project. There were three bids. The low bid was from Redlands Contracting, LLC for a total of \$7,820,546.33. This low bid was approximately 15% over the final engineer's estimate.

On November 22, 2022 City Council approved an appropriation of funds in the amount of \$2,281,034 from the Norman Forward Fund balance (accrued primarily from savings on the Norman Public Library, Central project) to cover the funds necessary to cover the additional construction costs.

DISCUSSION:

On February 8, 2022 the Norman City Council, directed the Norman Public Works Department, in conjunction with Norman Arts Council, to use project funds from the Norman Forward Public Art project, for the purpose of designing, constructing and installing a public art piece for the center of the new roundabout currently under construction at the intersection of James Garner Avenue and Flood Avenue. The cost of the public art piece was estimated at \$200,000.

In August of 2022, a selection committee was appointed by the Norman Arts Council (NAC) to review artist submissions and select the art piece for the roundabout. On April 19, 2023 the committee met to establish criteria for selection and prepare the Request for Qualifications (RFQ) for the art project. In May of 2023, the RFQ was sent out to request submissions from artists nationwide. The NAC received 116 responses to the RFQ.

The selection committee then evaluated the submissions and decided upon three finalists. These three finalists were brought to Norman to review the site and ask questions of the committee regarding any requirements for the art installation. On September 28, 2023, the three finalists gave presentations of their concepts for the art piece and the committee made the final selection and recommendation to the Norman Arts Council and City Council. The selected art installation was unanimously recommended for approval by the NAC Board of Directors.

The selected artist is Paul Bagley of Oklahoma City. This agenda item is for the proposed approval of the contract with Mr. Bagley for the production and installation of the public art piece selected. The contract price for the artwork is \$175,000. The project is to be completed by April 30, 2024, for installation by June 30, 2024.

Funding for this contract is available in Norman Forward Public Arts, Construction (Account 51795500-46101; Project NFP100).

RECOMMENDATION:

Staff recommends the approval of Contract K-2324-108 between the City of Norman and Paul Bagley, doing business as Design Silo LLC in the amount of \$175,000, for a work of art to be placed in the roundabout at James Garner Avenue and Flood Avenue.