



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 07/13/2021

REQUESTER: Carrie Evenson, Stormwater Program Manager

PRESENTER: Shawn O'Leary, Director of Public Works

ITEM TITLE: CONSIDERATION OF ACCEPTANCE, APPROVAL, ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BID 2021-46, CONTRACT K-2021-90 WITH D. OWEN CONSTRUCTION, L.L.C., IN THE AMOUNT OF \$342,502.15 FOR THE MERKLE CREEK DRAINAGE IMPROVEMENT PROJECT, PERFORMANCE BOND B-2021-66, STATUTORY BOND B-2021-67, MAINTENANCE BOND MB-2021-59 AND RESOLUTION R-2021-84 GRANTING TAX EXEMPT STATUS.

BACKGROUND:

The Merkle Creek north of Iowa Street Drainage Improvement Project is one of three storm water projects that have been funded in previous fiscal years to address specific flooding or maintenance issues. These projects have not been completed due to a shortage of staff.

The Public Works Department prepared a Request for Proposal (RFP) to solicit the engineering services necessary to prepare plans, specifications and bid packages, and to provide technical assistance throughout the design and construction of eight (8) separate projects including the three storm water projects located at Creston Way and Schulze Drive, 36th Ave NW and Tecumseh Road, and Merkle Creek behind Cleveland Elementary School. Nineteen (19) proposals were received for the group of projects. One proposal addressed all three storm water projects specifically. The Selection Committee included three (3) staff members consisting of Masoud Pajoh, Capital Projects Engineer; Carrie Evenson, Storm water Engineer; Tim Miles, Capital Projects Engineer; and two (2) private citizens including Luis Malave, Oklahoma Department of Transportation's Division 3 Maintenance Engineer; and Andrew Seaman, D5 Architecture. The Selection Committee members independently scored each proposal on a point scale as defined in the request for proposal. Upon review of the proposals by the Selection Committee, the proposal by Meshek and Associates, PLC of Tulsa, Oklahoma, was selected for these projects.

On April 25, 2017, City Council approved Contract K-1617-120 with Meshek and Associates, LLC, to provide these services.

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 (Ward 8; see attached map). The streambank is 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.

DISCUSSION:

In order to complete this project in a timely manner, it is necessary to use private contracting services. 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. D. Owen Construction of Norman, OK; Cimarron Construction Co. of Oklahoma City; C-P Integrated Services, Inc of Oklahoma City, OK; and Downey Contracting, LLC of Oklahoma City, OK. The Engineer's Estimate is \$748,181. The lowest bid in the amount of \$342,502.15, submitted by D. Owen Construction, LLC, is \$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. If approved, construction will begin on this project in July 2021 and will be completed in October 2021.

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

RECOMMENDATION NO. 1:

Staff has reviewed the bid and recommends that Bid No. 2021-46 for the Merkle Creek north of Iowa Street Drainage Improvement project, be awarded to the low bidder, D. Owen Construction, LLC, in the amount of \$342,502.15.

RECOMMENDATION NO. 2:

Staff further recommends that, upon approval of Bid No. 2021-46, the following contract and bonds be approved:

Contract K-2021-90

Performance Bond B-2021-66

Statutory Bond B-2021-67

Maintenance Bond MB-2021-59

RECOMMENDATION NO. 3:

Staff further recommends that, upon approval of Contract K-2021-90, Resolution R-2021-84 be adopted authorizing D. Owen Construction, LLC, as project agent to evade the payment of sales tax on materials purchases related to the project.