



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 03/12/2024

**REQUESTER:** Tim Miles, Capital Projects Manager

**PRESENTER:** Scott Sturtz, Director of Public Works

**ITEM TITLE:** CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AMENDMENT ONE TO CONTRACT K-1920-91: BY AND BETWEEN THE CITY OF NORMAN AND FREESE AND NICHOLS, FOR THE DESIGN OF THE JENKINS AVENUE WIDENING PROJECT – IMHOFF ROAD TO LINDSEY STREET IN THE AMOUNT OF \$152,345 FOR THE 2019 BOND PROJECT.

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### **BACKGROUND:**

On April 2, 2019, the citizens of Norman voted in favor of a \$72 million transportation bond issue, which includes nineteen (19) projects. With the anticipated \$67 million in federal dollars being leveraged for these projects, approximately \$139 million is budgeted for the nineteen (19) projects (please see the attached project list and map showing the approved projects).

On August 19, 2019, City staff advertised Request for Proposal RFP 1920-16 to solicit Consulting Engineering Services for the fourteen (14) bond projects still requiring design. The selection committee consisting of three (3) City staff and two (2) citizens “shortlisted” nine (9) consultant teams for interviews, which were held on October 2, 2019. The five (5) consultant teams selected after interviews to complete the design on these projects are:

- Garver, Norman
- Cowan Group, Oklahoma City
- Freese and Nichols, Oklahoma City
- MacArthur Associated Consultants, Oklahoma City
- Olsson Associates, Oklahoma City

These consultants are being assigned the various projects by City staff based on capacity, performance on their current projects and capabilities of their firm to complete a specific project.

On November 26, 2019, City Council awarded the consultant design contract for the Jenkins Avenue Widening Project to Freese and Nichols of Oklahoma City in the amount of \$827,005.

On September 8, 2020, the Norman City Council approved Programming Resolution R-2021-46 requesting federal funds for the Jenkins Avenue Widening Project. This resolution states the

City's commitment to adhere to the terms and conditions of a federally funded project, including engineering design, acquisition of all necessary rights-of-way and relocation of utilities and encroachments at 100% City's cost. In return, the Association of Central Oklahoma Governments (ACOG), through the Oklahoma Department of Transportation (ODOT), agrees to provide 80% of the construction cost, up to a project maximum of \$7,500,000 in federal funds, and administration of the construction with the matching share (20%) from the City of Norman.

On June 14, 2022, City Council approved the on-call right-of-way acquisition services contract for the Jenkins Avenue Widening Project to Pinnacle Consulting Group, Inc. (Pinnacle) of Oklahoma City in the amount of \$74,500.

On May 23, 2023, City Council accepted the first four (4) easements from two (2) properties on the project in the amount of \$23,746.

On June 13, 2023, City Council accepted a private utility easement for ONG and a public utility easement, both within Reaves Park, for the purpose of relocating existing overhead utilities underground.

On September 12, 2023, City Council accepted eight (8) easements from three (3) properties on the project in the amount of \$15,734.

On January 9, 2024, City Council approved Contract K-2324-127, a Memo of Understanding by and between the City of Norman and the University of Oklahoma regarding a partial exchange of land and payment to the University of Oklahoma for right-of-way and easements for the Jenkins Avenue Widening Project in the amount of \$827,300.

The City's current construction cost estimate for the project is \$9,755,000 plus 12% Construction Engineering (\$1,170,600) for a total of \$10,925,600. Based on this amount, City 2019 Bond Funds will pay \$3,425,600 or 31% and federal funds will pay \$7,500,000 or 69% of construction and construction management costs. Federal funds have been secured for federal fiscal year 2023-2024 (FFY 2024). City staff anticipates a fall 2024 bid opening with construction starting in early of 2025.

## **DISCUSSION:**

The proposed agenda item is a contract amendment with Freese and Nichols to include additional design scope items that were determined necessary after the project was originally scoped. A detailed breakdown is outlined in the attached Contract Amendment 1, as well as summarized below.

Initially, this project was intended to be a City-funded project, but after other 2019 Bond Projects were not ranking high enough to receive federal funds and this project was ranking high when we evaluated it, City staff decided to pursue and later received the maximum amount of federal funds for this project, which is \$7,500,000. As a result, additional plan submittals and information are required, which resulted in additional design effort.

High land valuations along Jenkins Avenue required staff to minimize right-of-way acquisitions and utilize more temporary construction easements and/or utility easements outside of the right-of-way required for the project. As a result, a larger number of easements were required, which resulted in more Professional Land Surveyor effort. This use of smaller, less expensive

easements resulted in substantial land cost savings for the project, but did increase our consultant fees. Both the residential landowners and the University of Oklahoma were appreciative of these efforts to minimize the project footprint and preserve the surrounding area.

The total scope increases and one scope decrease resulted in an increased fee of \$152,345 for Freese and Nichols in Amendment 1. This amendment resulted in an 18% fee increase over the original contract amount for a total design fee of \$979,350 (\$827,005 original fee + \$152,345 AMD #1), which is still under the project design budget amount of \$1,073,456.

Funding for Amendment 1 to Contract K-1920-91 design services in the amount of 152,34 is available in the Jenkins Avenue Widening Bond Project (BP0417), Design (Account 050-9419-431.62-01).

**RECOMMENDATION:**

Staff recommends approval of Amendment 1 to contract K-1920-91 with Freese and Nichols for design engineering of the Jenkins Avenue Widening Project – Imhoff Road to Lindsey Street in the amount of \$152,345.