

RESOLUTION
OF THE CITY COUNCIL
CITY OF SANDPOINT

TITLE: AGREEMENT AMENDMENT AS CHANGE ORDER NO. 5 WITH GINNO CONSTRUCTION COMPANY FOR CM/GC SERVICES FOR TRAVERS PARK RENOVATIONS, PHASE 1 (CITY AGREEMENT NO. 23-5300-5)

WHEREAS: On September 16, 2020, the Sandpoint City Council adopted a Parks and Recreation Master Plan under Resolution 20-041, informed by a year-long planning and data gathering process that included several public workshops, focus groups, Council presentations, and a Sandpoint resident survey, which response was statistically significant and represented the resident population opinion, along with online surveys, which were open to both Sandpoint and surrounding Bonner County residents;

WHEREAS: The adopted Parks and Recreation Master Plan contained concept plans, including the Travers-Centennial-Great Northern Sports Complex;

WHEREAS: The concept for Travers Park identified an indoor tennis facility to be located at Travers Park;

WHEREAS: On March 16, 2022, by way of donation agreements approved by City Council under Resolutions 22-013 and 22-014, the City of Sandpoint accepted a gift of \$7.5 million from James A. Russell and Ginny Russell in honor of James E. Russell for the public purpose of the professional design and construction of a court sports facility and adjacent gateway plaza in the Travers-Centennial-Great Northern Sports Complex, along with a gift of two commissioned bronze sculptures from Ann M. Hargis and H. Denny Liggitt IV for placement at the gateway plaza at the entrance to Travers Park and the James E. Russell Sports Center;

WHEREAS: Upon execution of the donation agreements, the City issued a Request for Proposals (RFP) seeking design-build (professional design, permitting and construction) services for the Travers Park Renovations, Phase 1, Project, to produce a functionally complete facility, including, but not limited to, a multi-use, indoor court sports complex with an emphasis on tennis and pickleball and related site improvements, such as a gateway/plaza/trailhead, an all-wheeled skatepark expansion and bike skills facilities;

WHEREAS: On July 6, 2022, under Resolution 22-034, City Council awarded the contract to Emerick Construction Company;

WHEREAS: A community survey regarding the operations plan for the James E. Russell Sports Center was launched and open to the public September 23 - October 30, 2022, and in-person stakeholder meetings were also held and open to the public;

- WHEREAS: The contract with Emerick was ultimately terminated in February 2023, with a full refund to the City of all expenses paid through the termination date;
- WHEREAS: Following termination of the Emerick contract, Ginno Construction Co. submitted a Statement of Qualifications in response to a Request for Qualifications (RFQ) seeking Construction Manager/General Contractor (CM/GC) services for preconstruction and construction phased services for this project;
- WHEREAS: On March 15, 2023, under Resolution 23-023, City Council approved an agreement with ALSC Architects for Travers Park Renovations, Phase 1, Professional Design Services for the final design phase and, under Resolution 23-024, Council approved an agreement with Ginno Construction Company for Travers Park, Phase 1 CM/GC Services;
- WHEREAS: The Ginno agreement included a preconstruction fee proposal of \$20,000, where, upon conclusion of the design development phase, a guaranteed maximum price for construction phase services would be established by way of a change order to the agreement at that time;
- WHEREAS: Change Order No. 1 on April 28, 2023, included engineering design services for the Legacy Building Structure;
- WHEREAS: On May 17, 2023, City staff, ALSC Architects and Ginno Construction unveiled the final design for the James E. Russell Sports Center at an Open House at Travers Park and presented the final design to the Sandpoint City Council at their regularly scheduled meeting;
- WHEREAS: The final construction documents were completed and put out to bid for subcontractors for the Legacy building fabrication and installation and all site improvements;
- WHEREAS: Change Order No. 2 on September 9, 2023, included building fabrication and installation, structure anchor bolts, site improvements, and Ginno Construction's associated construction management / general contractor fee was approved;
- WHEREAS: Change Order No. 3 on January 3, 2024, included completion of the building construction inclusive of court surfacing, associated lighting, interior finishes, HVAC, electric, relocation and restoration of existing picnic shelter, and landscaping; and additional construction change order requests numbers 1 - 3, and the Ginno's construction fee was approved;
- WHEREAS: The bid package #2 completed the remaining design development phase, and, as such, the Guaranteed Maximum Price for construction services phase was established in the amount of \$7,283,339.35;
- WHEREAS: Change Order No. 4 in May 2024 included changes in the overhead garage doors, addition of concrete inside the building, sawdust over-excavation within the building footprint, addition of asphalt paving on the existing pathway, and extension of storm drain for skatepark extension and

increased the Guaranteed Maximum Price for construction services phase as originally established in the amount of \$7,283,339.35 to an increased new contract amount of \$7,370,040.50; and

WHEREAS: At this time, staff seeks permission to proceed with a fifth amendment and Change Order #5 to the agreement for the following reasons:

1. Value engineering decision to change the water heater from a gas model to a 50 Gallon electric model due to low demand requirements on system, resulting in a credit to project.
2. Value engineering decision to change hardware to less expensive options, including using card readers for keyed entry use by staff at only the front door in lieu of having it at all doors. This resulted in a credit.
3. Additional request to paint exposed sprinkler piping located at walls and ceilings from black to white during fabrication, this does not include hangers or fire sprinkler heads.
4. Credit provided for deleting the reinstallation of the picnic shelter from the contract, as Rotary Club has indicated they will be fundraising for a new shelter under a future contract. Anticipated installation spring 2025.
5. Credit for removing the new concrete monument park sign from scope. The existing park sign is the standard and adding a new concrete one would have significant cost implications to other park property branding. This could be added in the future if the City desires to update park signage.
6. Additional concrete slab, curb and rebar needed for HVAC mechanical foundation, initially it was deleted when we had all gravel bases in base bid (a previous value engineering attempt), but the mechanical engineers responded after the bid and would only accept the unit if placed on structural concrete slab foundation.
7. Additional structural steel framing to support exterior with powder coating for protection of HVAC duct materials per engineer. This portion of design was not completed at time of original bid and was required by the mechanical engineers.
8. Credit for using a duct liner in lieu of exterior insulation at subcontractor's recommendation.
9. Additional costs for athletic court surfacing costs due to revisions to courts (the configuration changed in January based on community feedback). Additionally, costs have increased since originally bidding it, thus the subcontractor is over the originally allocated amount identified in Ginno's original contract.

NOW, THEREFORE, BE IT RESOLVED THAT: The Travers Park Renovations Project, Phase 1, Construction Manager/General Contractor (CM/GC) for preconstruction and construction phase services contract with Ginno Construction Company is hereby amended as outlined herein.

BE IT FURTHER RESOLVED THAT: City Agreement No. A23-5300-5 Fifth Amendment and Change Order #5 (Agreement Between Owner and Construction Manager/ General Contractor (CM/GC)) with Ginno Construction Company for Travers Park Renovations, Phase 1, is hereby approved.

BE IT FURTHER RESOLVED THAT: As set forth in the Procurement Process and Signature Authority Policy for Goods, Services and Construction and further outlined in the City of Sandpoint Procurement Policy, on behalf of the City,

the Mayor or authorized designee is hereby authorized to execute the documents necessary to effect these changes and amendments, copies of which are attached hereto and made a part hereof as if fully incorporated herein.

Jeremy Grimm, Mayor

ATTEST:

Melissa Ward, City Clerk