

RESOLUTION
OF THE CITY COUNCIL
CITY OF SANDPOINT

TITLE: EIGHTH AMENDMENT AND CHANGE ORDER NO. 8 TO CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) AGREEMENT WITH GINNO CONSTRUCTION CO. FOR TRAVERS PARK RENOVATIONS, PHASE 1 (CITY AGREEMENT A23-5300-5)

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;

WHEREAS: Change Order No. 5, approved by Council on August 7, 2024, provided for a variety of value engineering decisions, painting of sprinkler piping, additional concrete work, additional structural steel framing, additional costs for athletic court surfacing, and credits for aspects deleted from the project or otherwise changed, reducing costs; and increased the Guaranteed Maximum Price for construction services phase as originally established in the amount of \$7,370,042.50 to an increased new contract amount of \$7,389,163.59;

WHEREAS: Change Order No. 6, and the sixth contract amendment, approved by Council on August 21, 2024, included the Playground and landscaping scope reductions due to value engineering decisions resulting in a credit, the deletion of hose bibs in restrooms for value engineering decisions, the addition of parking lot revisions to original scope for drainage issues, ADA compliance and safety, and the inevitable need for reconstruction, and fire safety requirements as directed by fire safety building official, and increased the Guaranteed Maximum Price for construction services phase as originally established in the amount of \$7,389,163.59 to an increased new contract amount of \$7,509,467.43;

WHEREAS: Change Order No. 7, approved Administratively on January 7, 2025, included the Contract Completion Date extension of 170 days to June 15, 2025, for the purposes of completing the landscaping and outstanding construction punch list items, and required no increase to the Guaranteed Maximum Price;

WHEREAS: At this time, Staff seeks permission to proceed with the eighth amendment and Change Order No. 8 to the agreement for the following reasons:

1. The recovered fill material from the building excavation was used to construct a new sled hill and a second smaller hill to serve baseball viewers, the landscaping scope was increased, requiring additional topsoil and hydroseed and boulder placement for slope stabilization, (PCO #57: proposed increase of \$1,529.72); and
2. additional construction and concrete costs associated with adding three more park bench pads; and additional costs associated with the construction of the new picnic shelter foundation, (PCO #58: proposed increase of \$21,658.94), and would increase the Guaranteed Maximum Price for construction services phase as originally established in the amount of \$7,509,467.43 to an increased new contract amount of \$7,532,656.09.

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: Change Order No. 8 and the Eighth Amendment to the Construction Manager/General Contractor (CM/GC) Agreement with Ginno Construction Co. for Travers Park Renovations, Phase 1 (City Agreement A23-5300-5), 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