



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: K-1718-120**

**File ID:** K-1718-120

**Type:** Contract

**Status:** Consent Item

**Version:** 1

**Reference:** Item 18

**In Control:** City Council

**Department:** Parks and Recreation  
Department

**Cost:** \$98,681.00

**File Created:** 06/01/2018

**File Name:** Westwood Tennis CMaR

**Final Action:**

**Title:** CONTRACT K-1718-120: A CONTRACT BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND FLINTCO, L.L.C., IN THE AMOUNT OF \$98,681 TO PROVIDE CONSTRUCTION MANAGEMENT AT RISK SERVICES FOR THE WESTWOOD TENNIS CENTER INDOOR COURT FACILITY PROJECT.

**Notes:** ACTION NEEDED: Acting as the Norman Municipal Authority, motion to approve or reject Contract K-1718-120 with Flintco, L.L.C., in the amount of \$98,681; and, if approved, authorize the execution thereof.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 06/12/2018

**Agenda Number:** 18

**Attachments:** Flintco Contract, Flintco PR, Master

**Project Manager:** James Briggs, Park Planner

**Entered by:** james.briggs@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File K-1718-120

Body

**BACKGROUND:** On 13 October 2015, the citizens of Norman voted to fund the *Norman Forward* quality of life projects with a limited term ½% sales tax increase for 15 years. This initiative included a number of high priority projects identified in the 2014 Library Master Plan Update, the 2009 Norman Parks and Recreation Master Plan and additional projects designed to provide recreational opportunities for Norman residents. One such project was to make improvements to the Westwood Tennis Center.

**DISCUSSION:** The Westwood Tennis Center Improvement Project was planned to construct a two-court indoor tennis facility to replace the existing courts Number 6 & 7, located on the east side of the entry walk at the facility, and also to construct two new outdoor courts at the site, in order to maintain the proper number of outdoor courts required by the United States Tennis Association (USTA) to host the large sectional tournaments that have been awarded to Westwood over the past decade. The new outdoor courts have been constructed in the area along Robinson Street north of the pro shop. The new indoor facility will include two new post-tensioned

concrete tennis courts, including all surfacing, nets and striping; however, instead of a perimeter fence, the two courts will be enclosed by a tensioned fabric structure similar to the one constructed recently at Will Rogers Tennis Center in Oklahoma City, which staff toured and discussed with the staff at that park. The new building will include perimeter and between-court netting and screening, light-emitting diode (LED) lighting, a viewing area for parents and spectators, and will be built according to all applicable building codes for such structures.

In May, 2017, The Norman Municipal Authority engaged the services of The McKinney Partnership Architects (TMP) as the Design Consultant for this project; and proceeded with that process to the point where we have a complete set of Construction Documents ready for bid. Our Consultants from ADG have participated throughout the entire design development process up through our current point of beginning construction of the project. As part of this process, we have determined that this project would be a good opportunity to deliver the new facility using the Construction Manager at Risk (CMaR) process, instead of a Design-Bid-Build process that we have utilized previously.

CMaR is a process where the Norman Municipal Authority ("Owner") will hire a Construction Manager to handle all of the bidding of the different sections of the work and all the subsequent construction activity for the project for a Guaranteed Maximum Price (GMP). The GMP is subsequently considered as an amendment to the CMaR contract after the most responsible bids are secured through the proper bidding procedures that govern public projects. Project bids are sealed and opened by the City's Purchasing Division, consistent with the City's bidding policies. This method allows the CMaR to work for the Owner while they gather bids from their best pre-qualified vendors and subcontractors, who have a history of working with the CMaR. This can deliver better bid pricing to a known project manager. Also, the CMaR process often maximizes opportunities to get participation from local, smaller sub-contractors and can result in quicker project delivery without change orders, due to the GMP agreed-on at the time of awarding the construction contract(s) to the CMaR.

The construction will be fully bonded at the time when the construction bids are awarded for the GMP. At that stage, the CMaR contract includes all of the necessary professional liability and insurance and affidavits that come with all professional services contracts. It is a construction delivery method that is being used more often by municipalities, public schools and universities and county governments in Oklahoma and across the nation. Flintco, LLC has used this method with these types of agencies for most of their projects in the past decade, including work for the University of Oklahoma, Tulsa Public Schools, Oklahoma State School for the Blind, Tulsa County and several school districts.

For this project, since we already hired TMP to complete the design services, there is no fee in this CMaR contract for pre-construction services. The plans and specifications provided by TMP/Norman Municipal Authority will be used by the CMaR to secure all bids and create the GMP that will be awarded by amendment to this contract. The amount being awarded via this CMaR contract are those monthly expenses listed in the contract which are associated with doing the business of the CMaR for the anticipated duration of the project (approximately six months). If the project extends beyond this time, unless due to the extreme circumstances itemized in the contract, then those costs are born by the CMaR which is another driving factor for the project to stay on-time and in-budget. The GMP which will be awarded as an amendment to this contract will also include all of the CMaR's profit on the project, which will be itemized in the amendment. Whereas the costs and profits of a "hard bid" design-bid-build project are often not known (since those are a lump sum bid submitted by each general contractor bidding on the work), the CMaR method allows for full transparency of the budget and costs for each division of work, including profit. This way, all the fees and services are stated and memorialized in the initial contract agreement. The Guaranteed Maximum Price for this project is estimated to be \$1,100,000 and will be formalized at the time the contract amendment is brought forward to the NMA Trustees.

Adequate funds are available for this contract in the Westwood Tennis Center project, Construction (account 051-9364-451.61-01; project NFB007).

**RECOMMENDATION:** It is recommended that The Norman Municipal Authority approve Contract K-1718-120 with FLINTCO, LLC, in the amount of \$98,681 for Construction Management at Risk Services for the Westwood Tennis Center Indoor Court Facility for the Parks and Recreation Department.

