



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: K-1415-109

File ID: K-1415-109

Type: Contract

Status: ATS Paused

Version: 2

Reference:

In Control: City Council

Department: Public Works
Department

Cost: \$37,818.00

File Created: 03/04/2015

File Name: Contract with Griffis Tree Planting and termination of
K-101-67

Final Action:

Title: CONSIDERATION OF AWARDING BID 1415-49, APPROVAL OF CONTRACT K-1415-109 AND MAINTENANCE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND GRIFFIS TREE PLANTING, L.L.C., IN AN AMOUNT NOT-TO-EXCEED \$37,818 AND PERFORMANCE BOND B-1415-82 FOR PLANTING, REPLACEMENT, AND MAINTENANCE OF TREES ALONG A PORTION OF BROOKHAVEN CREEK BEGINNING JUST NORTH OF ROCK CREEK ROAD AND CONTINUING SOUTH TO CROSSROADS BOULEVARD; AND TERMINATION OF CONTRACT K-1011-67 WITH TALLGRASS ENVIRONMENTAL SOLUTIONS, L.L.C.

Notes: ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in an amount not-to-exceed \$37,818 to Griffis Tree Planting, L.L.C., as the lowest and best bidder meeting specifications; approve Contract No. K-1415-109 and the performance bond; authorize execution of the contract and bond; direct the filing of the bond; and terminate Contract K-1011-67 with Tallgrass Environmental Solutions, L.L.C.

ACTION TAKEN: _____

Agenda Date: 04/28/2015

Agenda Number:

Attachments: Brookhaven Creek Project, Brookhaven Creek Tree Replacement-2014.pdf, Map of Brookhaven Restoration Phase 2 Project, BrookhavenCreek-RiparianArea, Tabulation of Bids, Quote from Griffis, K-1415-109, Perf B-1415-82, K-1011-67

Project Manager: Aaron Milligan, Storm Water Pollution Specialist

Entered by: cydneykarstens@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-1415-109

Body

BACKGROUND: Brookhaven Creek between Crossroads Boulevard and Robinson Street is an urban stream in northwest Norman, as shown on the attached site location map. This stream was modified in the late 1970s to convey and hold stormwater. This area of the stream was under-maintained, and eventually became overgrown with vegetation. In 1998, the City proposed construction of a concrete channel to convey storm water but after opposition from concerned citizens and local environmental groups, the project was cancelled.

As a solution to this problem, the City requested a grant in 2006 from the Oklahoma Conservation Commission (OCC) in the amount of \$165,000 to rehabilitate the stream using natural techniques, rather than constructing a concrete channel. The City provided \$50,000 as a local cash match to the OCC grant, and in-kind services up to \$50,000. City staff worked with the OCC and the design firm of Watershed Restoration, Inc. (WRI) to design the project. Neighborhood meetings were held and a project newsletter was provided to adjacent property owners. The timing of this project also coincided with the City's Storm Water Master Plan, which recommended fundamental methodologies to protect water quality, habitat and flood plain integrity. This project was to serve as a demonstration project for more natural alternatives to traditional engineering practices. The project was extended to include the construction of the detention ponds and wetlands north of Rock Creek Road and west of I-35, as part of the Rock Creek Road Bridge Project over I-35. The design incorporated structural controls to better manage storm water flows, and placement of wetland plants and trees in several areas throughout the corridor. The purpose was to establish a long term stable stream channel and riparian habitat. The project involved the planting of 204 new trees and 6,780 wetlands plants along this portion of Brookhaven Creek.

As part of the construction of the project, the City Council approved Contract K-1011-67 on October 12, 2010 with Tallgrass Environmental Solutions, LLC to include planting and establishment of a riparian tree corridor from the area north of Rock Creek Road, and along the restored reach of Brookhaven Creek between Rock Creek Road and Crossroads Boulevard (see attached aerial photo). In addition to planting the trees and wetland plants, Tallgrass Environmental agreed to maintain the trees for two years. The Tallgrass Environmental contract for these services was \$58,411.66.

The trees were planted according to the project plans in the spring of 2011. However, over the next two years, a number of trees died. During the maintenance period, drought conditions led to the City imposing watering restrictions and the contractor made the decision to replace the trees, rather than attempt to adequately water the trees. Attempts were made to work with the contractor towards replacement of the dead trees, but the contractor ultimately went out of business and was unable to replace the lost trees.

Total payments to Tallgrass Environmental were \$51,507.06, which included \$21,225 for tree installation, and \$30,282.06 for wetland plantings. 142 (70%) of the original 204 trees planted by Tallgrass did survive, along with all of the wetland plants. No payments were made to Tallgrass for maintenance of the trees. Tallgrass Environmental has refunded the original cost of \$95 per tree for the 42 one-inch caliper trees that have died (\$3,999) that has been deposited into the General Fund. Contract No. K-1011-67 needs to be formally terminated by City Council so the City can move forward with completion of the project with a new contractor.

DISCUSSION: Due to the circumstances involving Tallgrass Environmental, it became necessary to solicit new bids to replace the dead trees, and complete the Brookhaven Creek Improvement Project per the agreement with the OCC. The current bid request was for 42 trees of two-inch caliper, rather than the one-inch caliper originally installed under the prior agreement. This will help to ensure hardier trees that are more similar in size to the surviving trees already planted for the project. The maintenance portion of the project requires the contractor to water and maintain all trees in the project for two years following the planting of the replacement trees. Two companies recently submitted bids, and the low bidder is Griffis Tree Planting LLC (Griffis) of Norman, Oklahoma, with a total bid of \$37,818, which as outlined below, includes the costs of purchasing and planting the trees as well as the cost for anticipated watering events. A bid tabulation is attached.

The bids have been reviewed by Public Works and Parks staff, and have been found to be acceptable. The bid submitted by Griffis includes \$13,968 for the purchase and planting of 47 trees, two inches in diameter. Griffis also submitted a unit price of \$450 per watering event to be completed in the two years following the planting of the trees. Griffis estimated that up to 53 waterings could be required for a total of \$23,850. The frequency of watering events depends heavily on the amount of rain received at the project site during the next two years. Therefore, payment for maintenance will be made only as the watering service is provided and the estimate for watering costs is not included in the Performance Bond.

Currently there is \$39,308 available in the project account, and \$3,999 from Tallgrass Environmental in the General Fund for a total of \$43,307. The remaining balance in the project account is the result of favorable bids on all phases of the project. If this contract is approved by Council, the Brookhaven Creek Improvement Project will be completed under budget by \$5,489 or 2.1% of the original project budget of \$278,500.

In addition, the Brookhaven Creek Improvement Project has proven to be a model demonstration project for the OCC. Local workshops and tours have been conducted for industry professionals including engineers, planners, and landscape architects as well as local and state officials.

RECOMMENDATION 1: Staff recommends termination of Contract No. K-1011-67 with Tallgrass Environmental Solutions, LLC.

RECOMMENDATION 2: Staff recommends approval of Contract K-1415-109 with Griffis Tree Farm, L.L.C. in the amount of \$37,818 and Performance Bond No. B-1415-82.