



Legislation Text

File #: K-1617-127, **Version:** 1

CONSIDERATION OF AWARDING OF BID 1617-28; APPROVAL OF CONTRACT K-1617-127 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND RDNJ, L.L.C., D/B/A A-TECH PAVING WITH THE INCLUSION OF ALTERNATE A IN THE AMOUNT OF \$109,700 FOR A TOTAL AMOUNT OF \$451,245;; PERFORMANCE BOND B-1617-93; STATUTORY BOND B-1617-94; MAINTENANCE BOND MB-1617-79; AND ADOPTION OF RESOLUTION R-1617-117 FOR THE IMHOFF CREEK CHANNEL REPAIR PROJECT AND BUDGET APPROPRIATION FROM THE CAPITAL FUND BALANCE.

BACKGROUND: From the time period of May 5th to May 24th, 2015, the City of Norman experienced an EF-1 tornado and multiple flash flooding events. The attached graph, prepared by staff at the National Weather Center, illustrates a historic level of flooding and rainfall in Norman in May 2015. Over 23 inches of rain fell in Norman in May of 2015, or nearly 10 more inches of rain than the previous May, 1957 rainfall record in Norman of 13.43 inches.

According to the National Weather Center, at least five of those rainfall events in May 2015 involved flash flood conditions. Flash floods can be very damaging to the City's infrastructure, particularly roads, bridges and stormwater systems. With each flooding event in May 2015, the City encountered more infrastructure damage and road closures. At one point in May, 35 of Norman's roads were closed to traffic due to damage or high water. Most of these roadways are located in rural east Norman. The Public Works Department has continually tracked an inventory of damaged roads and bridges. To date, 66 damage locations from the May 2015 storms have been identified, as shown on the attached map. One of these locations, identified as Site #17 on the map, was the Imhoff Creek Channel Repairs located south of Westbrooke Terrace and east of Berry Road. Damages to the channel included washing out approximately 250 feet of articulated concrete block channel and damage to a concrete block drop structure.

City staff has worked closely since May 2015 with officials from Oklahoma Emergency Management (OEM) and the Federal Emergency Management Agency (FEMA) regarding storm damage assessments and the potential for state and federal disaster relief financing. Mayor Cindy Rosenthal declared a local disaster by resolution on May 19, 2015. Governor Mary Fallin declared a state disaster by resolution on May 26, 2015. President Barak Obama established a Presidential Disaster Declaration for Cleveland County on May 26, 2015 for the period of May 5-24, 2015, making the City eligible for up to 87.5% reimbursement (75%-federal; 12.5% state) for debris removal from the May 6, 2015 tornado and infrastructure repairs caused by the May 5-24, 2015 floods.

On November 24, 2015, City Council approved contract K-1516-71 with Freese and Nichols to provide engineering design services for five infrastructure damage locations, including the Imhoff Creek Channel Repair Project.

On September 14, 2016, Travis King, City Fire Chief and Emergency Manager, signed the FEMA Project Worksheet for the Imhoff Creek Channel, which is the funding mechanism for the reconstruction of the damage caused during the May 2015 disasters.

On July 17, 2017, the Floodplain Permit Committee approved Permit 588 for the Imhoff Creek Channel Improvements. On July 25, 2017, in a companion agenda item, City Council is considering Resolution R-1718-9 authorizing the proposed modification of the stream banks for Imhoff Creek Channel Repairs and granting City Floodplain Permit 588 as approved by the City Floodplain Permit Committee on July 17, 2017.

Proposed improvements for the Imhoff Creek Channel Repair Project include:

1. Replace the damaged articulated concrete block channel segments with concrete channel lining.
2. Reconstruct the existing damaged drop structure, which is a manmade waterfall type structure designed to convey water to a lower elevation in the channel while controlling the energy and velocity of the water.
3. Remove debris from the existing plunge pool.

DISCUSSION: Two bid amounts are being considered on the Imhoff Creek Channel Repair Project including the Base Bid and the Alternate A Bid. The Base Bid includes all damages incurred during the May 2015 flood and tornado disaster declaration. These damages include a 250 foot segment of the existing articulated concrete block channel and a concrete block drop structure downstream from the channel damage, as shown on the attached Location Map. Photos of the damaged section are attached. These damages will be reimbursed by FEMA and OEM at a combined participation rate of 87.5%.

The Alternate A Bid includes new damages that occurred to the channel during the Spring 2017 rain events. An additional 150 foot of channel that only sustained minor damage during the May 2015 disaster event sustained major damage this spring. These damages are located between the channel damage and previous drop structure damage from the 2015 storm events (see attached Location Map). The articulated concrete block debris was washed downstream and filled up the drop structure that was constructed to protect the channel further to the south. Currently the debris is acting as a channel restriction instead of protecting the stream. These bid items were separated because the new damages that occurred after the May 2015 disaster declaration period are not automatically eligible for federal and state funding so may require 100% City Funds. Staff did recognize that this newly damaged segment of channel, also constructed with the same type of articulated concrete block, would be subject to additional damage and failure during future storms. Dialogue was started and documented with FEMA about replacing additional segments of the block channel during the Project Worksheet preparation stage. FEMA has a program called Hazard Mitigation Plan (HMP) that enables FEMA to award additional funds up to 100% of the amount of original damage as a resiliency program to reduce and hopefully eliminate future damage during other disaster events. Staff is currently working with OEM to start the HMP process in hopes of also receiving assistance on this segment of the channel. City Staff and Freese & Nichols have reviewed the Alternate A Scope of Services and agree that constructing the alternate work at this time is the best plan of action. The area will continue to deteriorate and risk damaging the work that will be completed in the Base Bid and the private property abutting this section of Imhoff Creek. In addition, repairs in the future will be more costly due to mobilization and any further damage.

Bid documents and specifications for constructing the channel repair were advertised according to State Law. Three (3) bids were received on June 29, 2017. The low bidder is RDNJ, LLC dba A-Tech Paving (A-Tech Paving) with a Total Bid in the amount of \$451,245 (\$341,545 Base Bid + \$109,700 Alternate A Bid), which is \$205,565 (\$181,325 Base Bid + \$24,240 Alternate A Bid) less than the next lowest bidder. The engineer's estimate for the project is \$531,536.50 or approximately 18% higher than the low bid. The complete Bid Record is attached. Freese and Nichols and staff have completed a comparative analysis and review of these bids and are of the opinion that the low bid is competitive and fair. A-Tech paving has completed multiple construction projects for the City in a satisfactory manner. Given that a favorable bid was received, Freese and Nichols and staff recommend that both the Base Bid and Alternate A Bid be awarded. A letter from Freese and Nichols with their recommendation is attached.

There are \$415,000 in funds available for this project in the FYE 2018 City Capital Fund, Imhoff Creek Repair Project (project SR0103), Construction (account 050-9387-419.61-01). With the Total Base Bid + Alternate A Bid amount being \$451,245, there is a project account shortage in the amount of \$36,245. This shortage amount of \$36,245 is recommended to be appropriated from the Capital Fund Balance (account 050-0000-253.20-00) to the Imhoff Creek Repair Construction account (050-9387-419.61-01; project SR0103), if Council awards both the Base Bid and Alternate A Bid for this project.

Reimbursements for the Base Bid from FEMA and OEM are anticipated to be 87.5% of the Base Bid or \$298,851.88, which will be reimbursed as receipts are submitted to FEMA. If HMP funds are approved by FEMA, reimbursements for Alternate A Bid could also be up to 87.5% of the Alternate A Bid or an additional \$95,987.50 for a total project reimbursement amount of up to \$394,839.38. The City's net share of construction will be \$58,405.62 if all FEMA funding is authorized. However, the Alternate A Bid funds may not be reimbursed at all, depending on the FEMA HMP determination.

RECOMMENDATION NO. 1: Staff recommends that Council appropriate funds in the amount of \$36,245 from Capital Fund Balance (account 050-0000-253.-20-00) to Imhoff Creek Channel Repair, Construction (account 050-9387-419.61-01; project SR0103).

RECOMMENDATION NO. 2: The project team has reviewed the bids and further recommends that the Base Bid for Bid 1617-54 for the Imhoff Creek Channel Repair Project be awarded to the low bidder, A-Tech Paving of Edmond, Oklahoma, for \$341,545.

RECOMMENDATION NO. 3: Staff further recommends that, the Alternate A for Bid 1617-54 for the Imhoff Creek Channel Repair Project be awarded to the low bidder, A-Tech Paving of Edmond, Oklahoma, for \$109,700 making the Total recommended bid award amount \$451,245.

RECOMMENDATION NO. 4: Staff further recommends that the following contract and bonds be approved:

Contract K-1617-127
Performance Bond B-1617-93
Statutory Bond B-1617-94
Maintenance Bond MB-1617-79

RECOMMENDATION NO. 5: Staff further recommends that A-Tech Paving, be authorized and appointed as Project Agent via Resolution R-1617-117 for sales tax exemption on material purchases related to the project.