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Title: CONTRACT K-1819-132: A CONTRACT BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND FLINTCO, L.L.C., IN THE AMOUNT OF \$55,000 TO PROVIDE CONSTRUCTION MANAGER AT RISK SERVICES FOR THE NORMAN FORWARD REAVES AND GRIFFIN PARK RENOVATION PROJECTS.

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CONTRACT K-1819-132: A CONTRACT BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND FLINTCO, L.L.C., IN THE AMOUNT OF \$55,000 TO PROVIDE CONSTRUCTION MANAGER AT RISK SERVICES FOR THE NORMAN FORWARD REAVES AND GRIFFIN PARK RENOVATION PROJECTS.

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. Two of these projects were to make improvements to the Reaves Park and Griffin Park Sports Complexes.

DISCUSSION: The Master Plan for the Reaves Park Sports Complex was approved by City Council on December 5, 2017. The project will include a total of 14 youth baseball and softball fields with restroom/concession facilities, new parking, walkways, playground facilities, a recreational pond and festival lawn, picnic grounds, and improvements to other existing facilities at the park. Half and Associates has been working to develop the construction documents that will be used to build the park improvements. Those documents are currently at 60% completion and expected to be ready for bidding later this summer. This contract will also include the design and construction of the new Park Maintenance facility that will be removed from Reaves Park and relocated to City property adjacent to the south side of the existing Fleet Maintenance facility west of Flood Avenue and south of Da Vinci Street.

The Master Plan for the Griffin Park Sports Complex was approved by City Council on August 8, 2017. The project will include a total of 22 soccer fields, restroom/concession facilities, new parking, walkways, new playground area and new pedestrian plaza areas. The first two phases of field renovations have been completed. Planning Design Group is now working on the construction documents for a new restroom/concession building and the third phase of field renovations. Those documents are expected to be ready for bidding later this spring.

The City/NMA's Project Management Consultants from ADG have participated throughout the entire design development process. As part of this process, we have determined that these projects would be a good opportunity to utilize the Construction Manager at Risk (CMaR) process, instead of a Design-Bid-Build process that we have utilized in the past. We have utilized the CMaR process on the Westwood Indoor Tennis project, which has proven to be a successful process for completing the project.

In February we advertised and received CMaR service proposals from seven management service companies. Three

companies were selected for interviews, which were conducted on March 13, 2019. Based on their experience with other similar projects, Flintco was selected as the company having the best proposal for managing the construction work at Reaves and Griffin Parks.

Construction Manager at Risk is a process whereby the Norman Municipal Authority (NMA, or "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 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. Flintco, LLC has used this method on many of their projects in the past decade, including work for the City of Norman, University of Oklahoma, Tulsa Public Schools, Oklahoma State School for the Blind, Tulsa County and several school districts.

For these projects, since the construction documents are nearly complete, the fee for pre-construction services will be relatively small. The completed plans and specifications 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. If the project extends beyond this time, unless due to the extreme circumstances itemized in the contract, then those costs are borne 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. Further, since this project is being funded with bond money through the Norman Municipal Authority, the Norman Municipal Authority is not able to pass the sales tax exemption on to the Construction Manager. Our Staff will collect invoices for taxable materials from Flintco on a monthly basis and purchase those materials directly from the suppliers in order to avoid sales tax payments for those items.

Adequate funds are available for this contract in the Griffin Park Remodel project, Construction (account 051-9639-452.61-01; project NFB001) and the Reaves Park Remodel project, Construction (account 051-9205-452.61-01; project NFB006).

RECOMMENDATION: It is recommended that The Norman Municipal Authority approve Contract K-1819-132 with FLINTCO, LLC, in the amount of \$55,000 for Construction Management at Risk Services for the Reaves and Griffin Park Remodel Projects for the Parks and Recreation Department.