



Legislation Text

File #: K-1718-103, **Version:** 1

CONSIDERATION OF AWARDING BID 1718-48; APPROVAL OF CONTRACT K-1718-103 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND GRISSOM'S LANDSCAPING AND NURSERY IN THE AMOUNT OF \$121,618.02; PERFORMANCE BOND B-1718-67; STATUTORY BOND B-1718-68, AND MAINTENANCE BOND MB-1718-51, AND RESOLUTION R-1718-89 GRANTING TAX-EXEMPT STATUS FOR THE MAIN STREET BRIDGE OVER BROOKHAVEN CREEK TREE PLANTING PROJECT.

BACKGROUND: The existing West Main Street Bridge was constructed in 1972. This bridge is identified in the Storm Water Master Plan as being "hydraulically deficient". It is unable to convey a ten-year (10%) storm. This condition likely caused the bridge to sustain serious damage in the flood of August 19, 2007. City crews made temporary emergency repairs at that time to keep the bridge in service. On January 27, 2009, the Norman City Council approved programming Resolution R-0809-96 requesting federal funds to replace the bridge and roadway approaches on West Main Street over Brookhaven Creek, located ½ mile west of 36th Avenue West.

The existing West Main Street Bridge consists of two 55' long by 9.5' by 6.4' CGMP arch pipes that were constructed in 1972. The existing arch pipe bridge structure will be removed and replaced with a triple cell 16' by 8' reinforced concrete bridge structure that will be skewed to align with the existing creek channel and will be capable of handling the 100-year (1%) storm. In addition, approximately 2,200' of channel improvements will occur from just upstream of Main Street and continuing to the south. The channel improvements will allow a larger discharge below the bridge without raising the Base Flood Elevation (BFE) anywhere along the creek.

On August 11, 2009, City Council approved contract K-0910-56 with Garver, LLC for the preliminary design of this project. On June 11, 2010, Council approved amendment No. 1 for the final design of this project. On December 31, 2012, Council approved Amendment No. 2 modifying the design of the creek improvements, reducing the number of mobile home relocations from nine to two.

On August 28, 2012, Norman voters approved a Bond Issue for eight major transportation/stormwater projects throughout Norman in the amount of \$42.5 million. The Main Street Bridge Project is one of those eight infrastructure projects.

On April 22, 2014, Council approved Contract K-1314-137; a Right of Way, Utility and Encroachment agreement with the Oklahoma Department of Transportation (ODOT). This agreement stipulates that the City will acquire all right-of-way required for the project, grant ODOT access to and the use of the right-of-way for this project, relocate all utilities and encroachments from the construction area and to indemnify and hold ODOT harmless.

On September 12, 2017, City Council approved the Funding Agreement with ODOT, addressing the responsibilities of both ODOT and the City of Norman. The construction project is funded 80% by federal funds and 20% by local funds. ODOT has billed the City for the local matching share. The total estimated cost for construction, including construction management, is \$5,600,000. The federal share is \$4,480,000, leaving the City of Norman local share of \$1,120,000. The agreement states that ODOT will use these funds to pay Norman's share on invoices. After construction is complete, any unused funds are returned to the City. Should the City's share exceed \$1,120,000, additional funds from the city will be required.

On March 7, 2016, the floodplain permit for the new bridge and channel improvements was conditionally approved by the Floodplain Permit Committee. The floodplain permit required City Council approval because the work involved modification of the stream banks. City Council approved the floodplain permit on April 12, 2016.

On February 28, 2017, Council adopted Resolution R-1617-87 that completed an Oklahoma Water Resources Board (OWRB) loan application through the Clean Water State Revolving Fund (CWSRF) for the installation of green infrastructure on the West Main Street Bridge over Brookhaven Creek Project. The City has been notified that OWRB has awarded the City a loan in the amount of \$304,625. This program has a provision for debt forgiveness of

approximately \$400,000. The City has been granted this loan forgiveness and the full loan amount will be forgiven, resulting in additional funding for the project; at no cost to the City.

The project was part of the January 18, 2018, ODOT Bid opening. The Engineer's Estimate for construction was \$4,529,294.80. The lowest bid received was for \$6,591,100.00, 46% over the Engineer's Estimate. The bids were rejected due to excessive unit prices on several pay items. The project also included an Off-Site Mitigation component required by the U.S. Army Corps of Engineers that requires the planting of 1,480 trees and 200 shrubs in the Prairie Creek Park area (Brookhaven Creek watershed), which increased costs as well. The project has been re-submitted to ODOT and scheduled for May 17, 2018, bid letting. Revisions were made to the plans to utilize more traditional construction practices for channel improvements and the Off-Site Mitigation is being constructed under a separate contract.

DISCUSSION: Following the ODOT bid of January 18, 2018, staff contacted the OWRB to determine how the grant funds could be utilized to complete a portion of the project. Because this project is in a regulated waterway a United States Army Corps of Engineers (USACE) 404 permit was required. A 404 permit is required when waterways or wetlands are being disturbed by a project. These permits require that mitigation be performed to off-set the damage that occurs to the stream. In this case, the USACE required additional tree plantings. Due to the large number of trees required, off-site mitigation was required. The location for the planting of the additional 1,480 trees and 200 shrubs is Prairie Creek Park located on Pendleton Drive south of Rock Creek Trail. Brookhaven Creek flows through this park and there have been previous efforts to enhance the aquatic features along this section of Brookhaven Creek and create a more natural waterway. The addition of these plantings will enhance the past project and also help reduce erosion of Brookhaven Creek.

On March 1st, 2018, the City received approval from OWRB for the Tree Planting Project for Main Street Bridge over Brookhaven Creek, however, the OWRB grant is only refundable through the current Federal Fiscal Year (FFY) and reimbursement must be applied for before May 30, 2018, to allow time for OWRB to process the reimbursement request. See attached letter from OWRB.

To secure the reimbursement of the OWRB grant monies, the Off-Site Mitigation items (tree and shrub plantings) were removed from the ODOT bridge replacement project and were bid as a stand-alone project, the Tree Planting Project for Main Street Bridge over Brookhaven Creek. By doing so it will also remove these items from the ODOT bid for the project reducing the May 17, 2018, ODOT bid.

Bid documents and specifications for the Tree Planting Project for Main Street Bridge over Brookhaven Creek were advertised on February 8th, 2018 and February 15th, 2018 in accordance to State Law. Eight (8) potential bidders acquired plans and specifications. Four (4) bids were received on March 1, 2018.

The low bidder is Grissom's Landscaping and Nursery, Noble, Oklahoma, in the amount of \$121,618.02. This is \$113,314.98 less than the next lowest bidder and \$22,782.25 less than the previous ODOT bid. The Engineer's Estimate for this project is \$200,387.50. The low bid was 60.7% of the Engineer's Estimate. Staff, as well as the consultant for this project, have done a comparative analysis of these quotes and believe this quote is competitive and represents a fair price. Marcum's Nursery and Grassolutions submitted incomplete bids.

Since this off-site tree planting project is an environmental mitigation required as a result of the bridge replacement project, Project BP0194 Main Street Bridge over Brookhaven Creek, funding for this project will utilize construction funds from Account No. 050-9352-431.61-01. The City will submit invoices to OWRB for reimbursement once invoices are received from the contractor.

If approved, plantings will begin April 1st, 2018 and be completed by May 15th, 2018.

RECOMMENDATION NO.1: Staff and our consultant have reviewed the bids and recommend Bid 1718-48 for the Tree Planting Project for Main Street Bridge over Brookhaven Creek be awarded to the low bidder, Grissom's Landscaping and Nursery in the amount of \$121,618.02.

RECOMMENDATION NO. 2: Staff further recommends that, upon approval of the bid, the following contract and bonds be approved:

Contract K-1718-103
Performance Bond B-1718-67
Statutory Bond B-1718-68
Maintenance Bond MB-1718-51

RECOMMENDATION NO. 3: Staff further recommends that Grissom Landscaping and Nursery be authorized and appointed as Project Agent via Resolution R-1718-89.