



Legislation Text

File #: K-1718-120 Amd #1, **Version:** 1

AMENDMENT NO. ONE TO CONTRACT K-1718-120: BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND FLINTCO, L.L.C., INCREASING THE CONTRACT AMOUNT BY \$1,381,931 FOR A REVISED CONTRACT AMOUNT OF \$1,480,612 FOR CONSTRUCTION MANAGEMENT AT RISK SERVICES TO PROVIDE CONSTRUCTION OF THE NORMAN FORWARD WESTWOOD TENNIS CENTER INDOOR COURT FACILITY PROJECT AND BUDGET APPROPRIATION FROM THE NORMAN FORWARD FUND BALANCE.

BACKGROUND: On 13 October 2015, the citizens of Norman voted to fund the *Norman Forward* Quality of Life projects with a limited term $\frac{1}{2}\%$ 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 already 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; heat, ventilation and air conditioning systems; light-emitting diode lighting systems; a viewing area for parents and spectators; and will be built according to all applicable building codes for such structures.

On June 27, 2017, the Norman Municipal Authority (NMA) staff engaged the services of The McKinney Partnership Architects (TMP) as the Design Consultant for this project, and proceeded with them to the point where we had 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 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 normally utilize. On June 12, 2018, the City Council/NMA Trustees approved Contract 1718-120 with FLINTCO, LLC in the amount of \$98,681 to act as CMaR for the project. Since that time, they have worked in the City of Norman's interest to solicit bids for all aspects of the construction, including those items of work they would be able to bid to self-perform for the project.

For this project, since TMP had been retained to complete the design services, there was no fee in the CMaR contract for pre-construction services. The plans and specifications provided by TMP were used by FLINTCO to competitively secure all bids and create a Guaranteed Maximum Price (GMP) that can be awarded by amendment to their current contract, as discussed with the FLINTCO contract approval on June 12, 2018. The GMP includes all pricing for all items of work, as well as the CMaR's general conditions and profit on the work. Whereas the costs and profits of a "hard bid" design-build-bid project are often not known (since those are a lump sum bid submitted by each general contractor bidding on the work), the CMaR method has allowed 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 project currently has an available budget balance of \$592,403.94 in the NORMAN FORWARD Capital Fund, Westwood Tennis Center Improvements, Construction (account 051-9364-451.61-01).

RECOMMENDATION: It is recommended that City Council, acting as the Norman Municipal Authority, approve Amendment #1 to CMaR Contract K-1718-120 with FLINTCO, LLC, in the amount of \$1,381,931 for construction costs for the Westwood Tennis Center Indoor Court Facility for the Parks and Recreation Department and appropriate \$789,528

from the Norman Forward Unreserved Fund Balance (account 051-0000-253.20-00) to the Westwood Tennis Center Improvements Project, Construction (account 051-9364-451.61-01; project NFB007).