



Legislation Text

File #: K-1718-91 CO#1, **Version:** 1

CHANGE ORDER NO. ONE TO CONTRACT K-1718-91: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND GARDEN DEPOT INC., D/B/A 4-D LAWN AND LANDSCAPE COMPANY, INCREASING THE CONTRACT AMOUNT BY \$12,596 FOR A REVISED CONTRACT AMOUNT OF \$258,086.17 FOR THE LINDSEY STREET LANDSCAPING PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

BACKGROUND: On August 28, 2012, the citizens of Norman voted in favor of a Bond Election to finance the local share of eight transportation/stormwater improvement projects. One of the eight 2012 bond projects is West Lindsey Street from 24th Avenue S.W. to Berry Road.

The project included transportation and aesthetic improvements to Lindsey Street. The West Lindsey Street corridor between Interstate 35 and Berry Road is the most congested corridor in the Oklahoma City metropolitan area. This section of West Lindsey Street has a traffic accident rate three (3) times the national average.

Improvements included in the roadway project:

- Widening West Lindsey Street from 3 lanes to 4 lanes with additional lanes at intersections
- New bridge over Imhoff Creek
- Continuous sidewalks on both sides of the street
- Access management to adjacent properties
- Multi-modal improvements including bicycle lanes
- Aesthetic enhancements including decorative pavement and roadway lighting
- Underground utilities
- Accessibility to disabled individuals

The Lindsey Street 2012 Bond Project construction bid amount was \$26,934,865.43. Construction of the roadway project began July 5th, 2016, with an estimated construction time of 540 days. The project was considered substantially complete and open to traffic on December 15th, 2017. With construction nearing completion, the landscaping of the Lindsey Street Bond Project was able to begin.

On September 12, 2017, City Council approved Amendment No. 4 to Contract K-1213-126 with Benham Engineers providing for the preparation of final plans and specifications for landscaping improvements. The landscaping improvements are located in the center median and along both sides of West Lindsey Street, between 24th Avenue SW and Berry Road. The City decided to bid and contract the landscaping improvements separate from the ODOT administered roadway and stormwater project for the following reasons:

- Cost savings
- Quality of work and materials
- Landscaping is not eligible for federal funding
- Scheduling control
- ODOT contracts do not provide warranty on plant materials

This approach to landscaping on major road projects has been successfully utilized on previous projects in Norman including: Robinson Street Underpass; the I-35 and Main Street Interchange; and the I-35 and Lindsey Street Interchange.

The landscaping project was approved by City Council on February 13, 2018, and awarded to the low bidder, Garden Depot, Inc. of Lawton, Oklahoma, in the amount of \$245,490.17. This was \$6,179.83 less than the next lowest bidder.

The Engineer's Estimate for this project was \$380,291.00. The low bid was 35% less than the Engineer's estimate. The bid included:

- Operational irrigation system
- 246 trees
- 914 plantings
- 91,000 square feet of sod

DISCUSSION: Construction of the Lindsey Street Landscaping Project began on February 26, 2018. The project was completed on July 23, 2018, and all items have been accepted by the Public Works and Parks and Recreation Departments. The Parks and Recreation Department will assume maintenance of the irrigation system and landscaping materials as they do on similar corridors throughout Norman.

The full contract amount was \$245,490.17 and the contractor has supplied the final invoice for \$4,909.80 to complete the full contract amount. Retainage was withheld from all previous invoices in the amount of \$24,058.04. With this final acceptance the total payout on the project is \$28,967.84 is due.

As a part of this contract the contractor has a 1-year warranty on all plant materials. Currently there are plant materials that are either dead or stressed. An assessment of the plant materials will be made in the fall and plant materials will be replaced in the fall planting season. This will provide the best survival rate of the plant materials. City staff will continue to monitor all plant materials through the warranty period.

The contractor submitted Change Order No. 1 to Contract K-1718-91 for conditions that arose during the execution of the project. The first item was the plans required electric service to be provided by the City of Norman, but made no accommodation for a source of electricity for the irrigation controllers. Staff considered several options including installation of new electric service meters in three locations, or utilizing existing traffic signal cabinets as a source of electricity. Both options required additional conduit and wiring to provide electricity to the irrigation controllers, however utilizing the existing electric source at the signal cabinet locations provided the most cost efficient and time effective solution. The cost of installing additional wire and boring 2-inch conduit to the signal cabinets was \$7,596.

The Lindsey Street Bond Project roadway and drainage contractor, under a separate contract with the Oklahoma Department of Transportation (ODOT), installed all of the irrigation sleeves spanning underneath the new roadway. These conduits were included in the roadway plans to prevent damage to the new roadway and the colored bike lanes when the irrigation system was installed. During the installation of the irrigation lines by Garden Depot, Inc. to the raised center medians from both sides of the road, several of the necessary conduits could not be located by the irrigation contractor because some of the underground irrigation sleeves were damaged or placed incorrectly by the roadway and drainage contractor. The irrigation contractor submitted cost for the additional time in the field attempting to locate the irrigation sleeves. The cost for the additional man-hours was \$5,000. While the ODOT contractor located and repaired the conduit at their cost, City Staff is still pursuing a claim against the ODOT roadway and storm drainage system contractor in the amount of \$5,000.00 to recover the costs due to the work not being completed properly. The combined cost of relocating the two (2) irrigation controllers and time spent locating mislaid or damaged sleeves is \$12,596. This is an increase of 5% from the original contract amount of \$245,490.17 to a new total contract amount of \$258,086.17.

If approved by City Council, the total amount due for the final payment and Change Order No. 1 is \$41,563.84. The funds for the final payment are available in Street Widening and Intersection Improvements, Construction (account 050-9552-431.61-01; project BP0189).

RECOMMENDATION NO. 1: Staff recommends that Final Change Order No. 1, increasing Contract K-1718-91 by \$12,596 with Garden Depot, Inc. be approved for a final contract amount of \$258,086.17.

RECOMMENDATION NO. 2: Staff further recommends acceptance of the Lindsey Street Landscape Project and authorization of final payment in the amount of \$41,563.84.