



Legislation Text

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CHANGE ORDER NO. TWO TO CONTRACT K-1617-127: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND RDNJ, L.L.C. D/B/A A-TECH PAVING DECREASING THE CONTRACT AMOUNT BY \$104,015.74 FOR A REVISED CONTRACT AMOUNT OF \$646,632.04 FOR THE IMHOFF CREEK CHANNEL REPAIR PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

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, and more than the 1957 monthly 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 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 No. 588 for the Imhoff Creek Channel Improvements. On July 25, 2017, in a companion agenda item, City Council approved Resolution R-1718-9 authorizing the proposed modifications of the stream banks for Imhoff Creek Channel Repairs and granted City Floodplain Permit No. 58, as approved by the City Floodplain Permit Committee on July 17, 2017.

On July 25, 2017, City Council awarded the Base Bid with the inclusion of Alternate A in the amount of \$109,700 for a total amount of \$451,245 for the Imhoff Channel Repair Project. The Base Bid was for damages that occurred during the May 2015 disaster period and the Add Alternate A Bid included damages that occurred during spring 2017 rains to an adjacent segment of channel.

On January 23, 2018, City Council Approved Change Order No. 1 in the amount of \$299,402.78 with RDNJ LLC, dba A-Tech Paving to address additional damages to Imhoff Creek Channel that occurred after the original project was bid.

Proposed improvements for the Imhoff Creek Channel Repair Project included:

1. Replacing the damaged articulated concrete block channel segments with concrete channel lining.
2. Reconstructing 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. Removal of debris from the existing plunge pool.

DISCUSSION: Construction projects are awarded to the lowest responsible bidder. Contractor bids are determined using plan quantities multiplied by the contractor's unit prices for all bid items of the contract. The total of all of these costs represents the contractor's bid. During construction, each quantity is verified in the field and the contractor is to be reimbursed, based on the actual quantity used. On this project, a few bid items were not needed or the cost was significantly lower, including Restore Chain Link Fence, Restore Shrubs, and Channel Liner Staircase Placement. Also, one new minor bid item, Aggregate Base for Channel Bottom, was added to the project. Due to the project underruns, Change Order No. 2 will result in a project refund.

Also, due to slow progress on the project, the contractor was assessed liquidated damages, which contributed to the refund.

This Final Change Order No. 2 addresses both quantity changes and liquidated damages. Change Order No. 2 results in a decrease of \$104,015.74, decreasing the total contract amount from \$750,647.78 to \$646,632.04 or 13.9%.

After City Council approval of this agenda item, Staff will submit the necessary paperwork through Oklahoma Emergency Management (OEM) to Federal Emergency Management Agency (FEMA) to begin the reimbursement process on this project with FEMA.

FEMA and OEM have agreed to pay 87.5% of the construction costs of the Base Bid, which is for the damages that occurred during the May 2015 disaster period. They also agreed to pay up to \$110,000 additional dollars in Hazard Mitigation Plan (HMP) funds to repair additional segments of this type of articulated concrete block that has been susceptible to failure. As a result, FEMA and OEM will pay approximately \$265,256.25 of the base bid amount of \$303,150 plus \$110,000 of the Add Alternate A and Change Order No. 1 amount of \$343,482.04. As a result, FEMA and OEM are expected to pay \$375,256.25 or 58% of the \$646,632.04 final contract amount.

On Tuesday, January 9, 2018, OEM gave the City an advance in the amount of \$300,000 toward the FEMA/OEM reimbursement on the Imhoff Creek Project. As a result, approximately \$75,256.25 is the estimated remaining reimbursement amount from these agencies. The advanced funds were used to fund Change Order No. 1 in the amount of \$299,402.78.

RECOMMENDATION NO. 1: Staff recommends that Change Order No. 2 decreasing Contract K-1617-127 by \$104,015.74 be approved.

RECOMMENDATION NO. 2: Staff further recommends final acceptance of the Imhoff Creek Channel Repair Project Contract K-1617-127.