



Legislation Text

File #: K-1819-132 AMD #1, **Version:** 1

AMENDMENT NO. ONE TO CONTRACT K-1819-132: BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND FLINTCO, L.L.C., INCREASING THE CONTRACT AMOUNT BY \$789,352 FOR A REVISED CONTRACT AMOUNT OF \$844,352 FOR CONSTRUCTION MANAGEMENT AT RISK SERVICES TO PROVIDE CONSTRUCTION OF THE NORMAN FORWARD GRIFFIN PARK PHASE III PROJECT.

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.

DISCUSSION: 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 has completed the construction documents for a new plaza and restroom building and the third phase of field renovations. Construction Bids for those improvements were opened on May 21, 2019.

The City/NMA's Project Management Consultants from ADG have participated throughout the entire design development process. As part of this process, staff has 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. The City has utilized the CMAR process on the Westwood Indoor Tennis project, which has proven to be a successful process for completing the project.

In February, the City 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 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. In addition, 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.

Amendment No. 1 to K-1819-132 establishes the GMP amount and adds this to the original amount of the existing contract. The construction will be fully bonded at the time when the construction bids are awarded for the GMP in the forms submitted with this contract for City Council approval. At that stage, the CMAR contract includes all of the necessary professional liability, insurance, and affidavits that come with all professional services contracts.

For this project pre-construction services were utilized to help create the plans and specifications needed. The completed plans and specifications were used by the CMAR to secure all bids and create the GMP that is proposed to be awarded by amendment to this contract. 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" 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. This way, all the fees and services are stated and memorialized in the initial contract agreement.

The Griffin Park Phase III Project includes the construction of a new restroom facility in the southwest area of the park, along with a spectator plaza area. Also included are parking renovations that will improve ADA accessibility and vehicular circulation in the area, and irrigation renovations on two of the existing soccer fields (fields 5 and 8). Work is ready to begin immediately and is scheduled to be completed in November of this year.

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 amendment in the NORMAN FORWARD Griffin Park Remodel project, Construction (account 051-9639-452.61-01; project NFB001)

RECOMMENDATION: It is recommended that Amendment #1 to CMAR Contract K-1718-132 with FLINTCO, LLC, increasing the contract by \$789,352 and setting a guaranteed maximum price for the Griffin Park Phase III Project for the Parks and Recreation Department, be approved.