

# Mayor and Council Communication

DATE: 06/11/24

M&C FILE NUMBER: M&C 24-0461

LOG NAME: 06SSIP UNIT PRICE TASK ORDER CONSTRUCTION CONTRACTS

**SUBJECT**

(ALL) Authorize Execution of a Non-Exclusive Unit Price Task Order Construction Agreement with Bean Electrical, LLC, in an Annual Amount Up to \$8,000,000.00 for the Initial Term with Four One-Year Renewal Options for the Development Services Department's Small-Scale Infrastructure Program

**RECOMMENDATION:**

It is recommended that the City Council authorize the execution of a non-exclusive unit price task order construction agreement with Bean Electrical, LLC, in an annual amount up to \$8,000,000.00 with four one-year renewal options for the Development Services Department's Small-Scale Infrastructure Program.

**DISCUSSION:**

The purpose of this Mayor and Council Communication (M&C) is to authorize execution of a non-exclusive unit price construction agreement to provide construction services on an as-needed (task order) basis for the construction of projects relating to the installation of small-scale or infill developer-led projects, for the Development Services Department's Small-Scale Infrastructure Program (Program). The scope of the projects in the Program include 800 feet or fewer of water, sewer, storm services, sidewalk and four or fewer pedestrian/streetlight installations. The construction cost will be funded entirely by developers

On March 19, 2024 (M&C 24-0187), the City Council authorized execution of engineering agreements and adopted appropriation ordinances necessary for the Program, including the construction contracts that are the subject of this M&C. The funds appropriated are subject to receipt of funds from the developers for the projects.

For the initial phase of the Program, the City issued a public bid for pedestrian and streetlight installation with associated flatwork. The project was bid as a low bid contract. Notice of bids was published in the *Fort Worth Star Telegram* on February 29, 2024, and March 7, 2024. On April 18, 2024, Bean Electrical, LLC submitted the following bid

**CONTRACTOR BID**

Bean Electrical, LLC \$74,780,995.00

The unit price bid received includes a large array of items, each having a quantity reflective of the total for the entirety of the contract. Task orders will be issued for each project and the bidder was made aware of the contract cap amount.

Bean Electrical, LLC was the only contractor that submitted a bid. An evaluation panel consisting of representatives from the Development Services Department evaluated the bid. The evaluation panel determined that the prices bid by Bean Electrical, LLC are reasonable.

As future phases of the Program are initiated, City staff will publicly bid additional infrastructure component construction contracts. All construction contracts for the Program will be non-exclusive agreements to allow the Program the maximum amount of flexibility.

Funding for the Small-Scale Infrastructure Program is depicted in the table below

Fund Name	Existing Appropriations	Fiscal Year 2024 Budget
Small-Scale Infrastructure Program		
City Project No. P00151	\$14,700,000.00	\$14,700,000.00
M&C 24-0187		

This task order contract will serve current and future capital projects as-needed, and a funds availability verification will be performed by Development Services Contract Managers prior to task order assignment.

FUNDING: The maximum combined annual amount allowed under this construction agreement will be \$8,000,000.00; however, the actual amount used will be based on the needs of the department and the available budget.

DVIN BE: Small Scale Infrastructure Program received a waiver for the Program as there will not be any fiscal City Participation, it does not meet Ordinance, Section 20-368 requirements.

AGREEMENT TERMS: Upon City Council approval, the agreements shall begin upon execution and expire one year from that date.

RENEWAL TERMS: The agreement may be renewed for four additional one-year terms. This action does not require specific City Council approval provided that the City Council has appropriated sufficient funds to satisfy the City's obligations during the renewal term.

ADMINISTRATIVE CHANGE ORDER: An administrative change order or increase may be made by the City Manager to the amount allowed by relevant law and the Fort Worth City Code and does not require specific City Council approval as long as sufficient funds have been appropriated.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are available in the current capital budgets, as previously appropriated, in the various capital improvement program funds to support the approval of the recommendation and execution of the contract. Prior to any expenditure being incurred, the participating department has the responsibility to validate the availability of funds.

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