

# Mayor and Council Communication

**DATE:** 09/15/20

**M&C FILE NUMBER:** M&C 20-0674

**LOG NAME:** 80NORTH PARK IMPROVEMENTS CMAR AFFIRM

**SUBJECT**

(CD 4) Affirm the Construction Manager at Risk Agreement with Dean Electric, Inc., dba Dean Construction, for the North Park Improvements Projects, with a Pre-Construction Phase Fee of \$25,000.00 and Authorize a Construction Phase Fee of 2.5% of the Construction Costs, within a Project Construction Budget of \$3,900,000.00, with the Construction Guaranteed Maximum Price to be Determined, and Provide for Additional Project Costs in the Amount of \$795,500 for a Total Project Budget of \$4,695,500.00 (2018 Bond Program)

**RECOMMENDATION:**

It is recommended that the City Council affirm the Construction Manager at Risk Agreement with Dean Electric, Inc., dba Dean Construction, for the North Park Improvements Projects (CSC 54396; City Project Nos. 101764 and 101766) with a Pre-Construction Phase Fee of \$25,000.00 and authorize a Construction Phase Fee of 2.5% of the Construction Costs, within a Project Construction Budget of \$3,900,000.00.

**DISCUSSION:**

The purpose of this Mayor and Council Communication (M&C) is to affirm the Construction Manager at Risk (CMAR) agreement with Dean Electric, Inc., dba Dean Construction (Dean Construction), for the North Park Improvements Projects and authorize the construction phase services fee. Due to pre-established project completion targets, the agreement was initially executed administratively with a preconstruction phase cost of \$25,000.00. Dean Construction has been performing preconstruction phase services alongside the City's project engineer, Dunaway Associates, L.P. (Dunaway), to develop a guaranteed maximum price (GMP). Dean Construction will include their construction phase services fee of 2.5% of the construction costs into the GMP. The project construction budget is \$3,900,000.00. The CMAR agreement will be amended to memorialize the GMP when it is established and accepted by staff. The total overall project budget is \$4,695,500.00 which includes the City's contingency, project administration, inspection, testing, utility connections, design and construction.

The project scope includes demolition and removals, earthwork and grading, reconstruction of 4 competition soccer fields, fencing, athletic field lighting, a restroom/concession building, roads & parking, concrete walks, a playground, picnic shelter and site furnishings. The project is being funded through the City's 2018 Bond Program and General Capital Fund (M&C G-19503 & M&C G-19305). The budget will cover all costs associated with design and construction of the project.

Design:

On January 9, 2019, City Secretary Contract No. 51751 was administratively executed with Dunaway, in the amount of \$49,800.00 for preparation of an updated North Park master plan. On September 24, 2019 (M&C 19-0206), the City Council authorized Amendment 1 to Contract No. 51751 in the amount of \$467,250.00, for preparation of construction documents, revising the contract amount to \$517,050.00.

Construction:

City staff determined that utilizing a CMAR method of project delivery would result in the most efficient and effective progression of the project due to the fact that the CMAR provides input on constructability, cost estimating, and phasing of construction activities prior to commencing construction which complements staff's goal to accommodate the continued use of the existing soccer fields with minimal disruption while these improvements are being made.

A Request for Proposals for a CMAR was advertised in the Fort Worth Star-Telegram on April 30, 2020 and May 7, 2020. A Pre-proposal Conference was held on May 12, 2020. The City received a total of nine proposals on May 28, 2020.

A selection team, comprised of representatives of the Park & Recreation Department and the Office of Business Diversity reviewed and scored the submittals. The selection team reviewed the proposers' (a) corporate experience & financial stability, (b) pre-construction and construction services fees, (c) qualifications and experience of key personnel, (d) construction services approach, (e) pre-construction services approach, (f) QA/QC and safety plan approach, (g) cost and schedule controls, (h) compliance with Business Diversity Enterprise Ordinance, and (i) special consideration for successful CMAR services contracts. The individual scores were averaged for the final scores listed in the following table.

Proposers	Scores by Category, Total Scores, and Ranking										
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	Totals	Rank
Dean Electric Inc. dba Dean Construction	8.8	3.9	17.5	10.0	9.4	3.1	15.0	4.0	4.0	75.7	1

The Fain Group, Inc.	6.5	2.50	15.6	10.4	9.8	2.1	16.4	5.0	5.0	73.3	2
Core Construction	7.3	1.0	16.0	11.1	11.1	3.6	15.0	5.0	1.3	71.4	3
Pogue Construction Co., LP	6.8	4.0	14.6	9.6	8.6	3.1	15.0	4.0	1.3	67.0	4
Muckleroy & Falls	4.5	3.0	10.0	10.0	9.0	2.9	15.4	5.0	5.0	64.8	5
AUI Partners, LLC	5.8	1.6	12.9	9.8	7.9	2.8	11.3	5.0	1.3	58.4	6
Teinert Construction	4.8	3.5	10.5	9.3	8.6	2.1	12.5	5.0	1.3	57.6	7
MSB Constructors, Inc.	4.3	2.0	7.8	9.0	9.0	2.9	11.3	5.0	1.6	52.9	8
Schmoltdt Construction	4.0	1.5	9.3	7.5	7.5	3.5	11.9	5.0	1.8	52.0	9

This project is being funded as shown in the following table:

Project	Fund	Authority	Amount
101766 North Park	General Capital Projects Fund	G-19305	\$100,000.00
101766 North Park	General Capital Projects Fund	G-19503	\$1,245,500.00
101766 North Park	2018 Bond Fund	FY2019 CIP	\$2,000,000.00
101764 North Park Field Lighting	2018 Bond Fund	FY2019 CIP	\$600,000.00
North Park Universal Playground	2018 Bond Fund	FY2021 CIP	\$750,000.00
<b>Total Funding</b>			<b>\$4,695,500.00</b>

A portion of this project will include 2018 Bond Funds. Available resources within the General Fund will be used to provide interim financing for expenditures incurred on projects within the 2018 Bond Program until debt is issued. Once debt associated with these projects is sold, bond proceeds will reimburse the General Fund, in accordance with the statement expressing official Intent to Reimburse that was adopted as part of the ordinance approving the bond election and authorizing the appropriation of funds.

**Schedule** – Construction Phase services are anticipated to be completed by September 30, 2021. The opening for use of new athletic fields may be subject to turf grown-in.

**Fees** – Because this work will be performed by a City contractor, occur on City property and be owned by the City, general construction permit fees are waived and Building Permit Fees are waived in accordance with the City's Code of Ordinances, Chapter 7, Article I, Section 7-1 Building Administrative Code, Section 109.2.1, Building Permit Fees, Exception 2.

**M/WBE Office** – Dean Construction is in compliance with the City's BDE Ordinance by committing to 14% MBE participation on this CMAR project. The City's MBE goal on this CMAR project is 14%.

As of July 31, 2020, the cumulative total of all previously approved FY2020 M&C's increased the department's estimated annual maintenance costs by an additional \$302,643.00 beginning in FY2021. The North Park Improvements project assets are estimated to increase the department's annual maintenance costs by an additional \$68,804.00 beginning in FY2022.

North Park is located in COUNCIL DISTRICT 4.

**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are available in the 2018 Bond Program Fund and the General Capital Projects Fund in the North Park Field Lighting Project and the North Park Project to support the approval of the above recommendation and award of the contract. Prior to an expenditure being incurred, the Park & Recreation Department has the responsibility of verifying the availability of funds.

**Submitted for City Manager's Office by:** Valerie Washington 6192

**Originating Business Unit Head:** Richard Zavala 5704

**Additional Information Contact:**

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