

Mayor and Council Communication

DATE: 12/13/22

M&C FILE NUMBER: M&C 22-1047

LOG NAME: 20CROMWELL MARINE CREEK ROAD CMAR

SUBJECT

(CD 7) Authorize Rejection of Responses to First Request for Proposals for Construction Manager at Risk Services for Cromwell Marine Creek Road Widening Improvements; Authorize Execution of a Construction Manager at Risk Agreement, from the Reissued Request for Proposals, with Sundt Construction, Inc. for the Cromwell Marine Creek Road Widening and Intersection Improvements Project from Boat Club Road (Farm Market 1220) and Marine Creek Parkway with a Preconstruction Phase Fee in the Amount of \$120,000.00 and a Construction Phase Fee of 5.75% of the Cost of Work within the Project Construction Budget of \$24,100,000.00 (2022 Bond Program)

RECOMMENDATION:

It is recommended that the City Council authorize rejection of all responses to the request for proposals received July 7, 2022, for Construction Manager at Risk Services for Cromwell Marine Creek Road Widening Improvements, and authorize execution of a Construction Manager at Risk Agreement, from the reissued request for proposals, with Sundt Construction, Inc. for the Cromwell Marine Creek Road Widening and Intersection Improvements project, from Boat Club Road (Farm Market 1220) and Marine Creek Parkway, with a preconstruction phase fee in the amount of \$120,000.00 and a construction phase fee of 5.75% of the cost of work within the project construction budget of \$24,100,000.00. (City Project Number 101012).

DISCUSSION:

On June 9, and June 16, 2022, the City of Fort Worth (City) issued a Request for Sealed Proposals for Construction Manager at Risk Services for Cromwell Marine Creek Road Widening Improvements in the *Fort Worth Star-Telegram*. On July 7, 2022, the City received four (4) responses. These proposals have to be rejected due to the clerical error of failing to read out loud the preconstruction phase cost and construction phase fee as required by statute.

The purpose of this Mayor and Council Communication (M&C) is to authorize execution of a Construction Manager at Risk Agreement (CMAR) contract, from the second request for proposals, with Sundt Construction, Inc. for the Cromwell Marine Creek Road Widening and Intersection Improvements project, from Boat Club Road (FM 1220) and Marine Creek Parkway, with a preconstruction phase fee in the amount of \$120,000.00 and a construction phase fee of 5.75% of the cost of work, approximately \$1,385,750, within a project construction budget of \$24,100,000.00. The total overall project budget is \$39,779,237.00 which includes planning, design, land acquisition, project administration, construction, inspection, testing, utility relocations, and contingencies for the construction of a four-lane arterial street from Boat Club Road (FM 1220) to Marine Creek Parkway. Funding is budgeted in the 2022 Bond Program for the Cromwell-Marine Creek project.

Due to factors including budget, schedule, and length, City staff determined that utilizing a CMAR for the project delivery would be most efficient for accomplishing the project. The CMAR method of project delivery is expected to reduce impacts on the traveling public during construction, minimize change orders and reduce the overall time for completion. By engaging a CMAR, the phasing and sequencing of the project will be overseen by a single construction manager, rather than it being managed by Transportation & Public Works (TPW) staff and delivered in different phases by possibly different contractors as could happen with the typical bid-build solicitations.

On July 27, and August 4, 2022, the City of Fort Worth reissued the Request for Sealed Proposals for Construction Manager at Risk Services for Cromwell Marine Creek Road Widening Improvements. The City received four responses on August 11, 2022, from the contractors listed below:

1. **Flatiron Constructors, Inc.**
2. **McCarthy Building Companies, Inc.**
3. **Keeley Construction**
4. **Sundt Construction, Inc.**

A selection team comprised of representatives of the TPW Department and the City's consultant Burns & McDonnell, Inc. reviewed and scored the submittals. The selection team reviewed the proposers' (a) Company Performance and Experience, (b) CMAR Pricing, (c) Key Personnel, (d) Project Approach, and (e) Compliance with Diversity & Inclusion Requirements. The individual scores were averaged for the final scores listed in the following table:

Proposers	Evaluation Factors						
	a	b	c	d	e	Totals	Rank
Sundt Construction, Inc.	10.0	3.6	17.8	54.0	Pass	85.4	1

McCarthy Building Companies, Inc.	9.8	4.4	16.2	54.6	Pass	85.0	2
Flatiron Construction, Inc.	9.2	3.6	15.8	41.6	Pass	70.2	3
Keeley Construction	7.8	3.0	10.4	26.4	Pass	47.6	4

Staff began negotiations with the top-ranked firm on September 28, 2022, and recommends that the City Council authorize execution of a contract with Sundt Construction, Inc. for CMAR services for the construction of Cromwell Marine Creek Road from Boat Club Road to Marine Creek Parkway.

The following table demonstrates the funding history for the project:

Fund	Existing Funding
34018 - 2018 Bond Program	\$8,860,000.00
34027 - 2022 Bond Program	\$10,970,000.00
30108 - Transportation Impact Fee Cap	\$2,730,000.00
34017 - Tax Note 2017	\$500,000.00
39008 - Trans Impact Fee Cap Legacy	\$270,000.00
Project Total	\$23,330,000.00

MWBE OFFICE – The M/WBE Office has determined that there is no MBE Diversity goal for Pre-Construction Phase Services. Sundt Construction, Inc. is in compliance with the City's BDE Ordinance by committing to 6% MBE participation for the Construction Phase Services of this CMAR project.

This project is included in the 2022 Bond Program. The City's Extendable Commercial Paper (ECP) (M&C 22-0607; Ordinance 25675-08-2022) provides liquidity to support the appropriation. Available resources will be used to actually make any interim progress payments until debt is issued. Once debt associated with a project is sold, debt proceeds will reimburse the interim financing source in accordance with the statement expressing official Intent to Reimburse that was adopted as part of the ordinance canvassing the bond election (Ordinance 25515-05-2022).

The project is in COUNCIL DISTRICT 7.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the current capital budget, as previously appropriated, in the 2022 Bond Program Fund for the Cromwell - Marine Creek project to support the approval of the above recommendation and execution of the contract. Prior to expenditures being made, the Transportation and Public Works Department has the responsibility to validate the availability of funds.

Submitted for City Manager's Office by: William Johnson 5806

Originating Business Unit Head: Lauren Prieur 6035

Additional Information Contact: Monty Hall 8662

Expedited