

Mayor and Council Communication

DATE: 02/28/23

M&C FILE NUMBER: M&C 23-0157

LOG NAME: 20RAY WHITE ROAD CMAR

SUBJECT

(CD 4 and CD 7 / Future CD 4) Authorize the Execution of a Construction Manager at Risk Agreement with McCarthy Building Companies, Inc. for the Ray White Road Widening Improvements Project from Mirage Drive to the Bridge Over Bear Creek with a Preconstruction Phase Fee in the Amount of \$158,000.00 and a Construction Phase Fee of Six and One Quarter Percent (6.25%) of the Cost of Work within the Project Construction Budget of \$13,256,000.00 (2022 Bond Program)

RECOMMENDATION:

It is recommended that the City Council authorize the execution of a Construction Manager at Risk Agreement with McCarthy Building Companies, Inc. for the Ray White Road Widening Improvements project from Mirage Drive to the bridge over Bear Creek with a preconstruction phase fee in the amount of \$158,000.00 and a construction phase fee of six and one quarter percent (6.25%) of the cost of work within the project construction budget of \$13,256,000.00 (City Project No. 103270).

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to authorize the execution of a Construction Manager at Risk Agreement (CMAR) contract with McCarthy Building Companies, Inc. for the Ray White Road Widening Improvements project from Mirage Drive to the bridge over Bear Creek, with a preconstruction phase fee in the amount of \$158,000.00 and a construction phase fee of 6.25% of the cost of work within a project construction budget of \$13,256,000.00. The total overall project budget is \$25,855,000.00 which includes planning, design, land acquisition, project administration, construction, inspection, testing, utility relocations, and contingencies for the construction of a four-lane neighborhood connector from Mirage Drive to the bridge over Bear Creek. The project is being funded through the City's 2022 Bond Program.

Due to factors including budget, schedule, and length of construction, 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 to 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 the project being managed by TPW staff and delivered in different phases by potentially different contractors as could happen with the typical bid-build solicitations.

A one-step call for qualifications from interested CMAR firms was advertised in the *Fort Worth Star-Telegram* on September 8, 2022 and September 15, 2022. A pre-proposal meeting was held on September 20, 2022. The City received four responses on September 29, 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 Transportation & Public Works Department representatives 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
McCarthy Building Companies, Inc.	9.500	4.5	18.50	56.00	P	88.500	1
Sundt Construction, Inc.	9.125	4.5	18.75	55.25	P	87.625	2
Flatiron Construction, Inc.	8.500	4.5	17.50	47.75	P	78.250	3
Keeley Construction	7.250	4.5	15.00	35.00	P	61.750	4

Staff began negotiations with the top-ranked firm on December 1, 2022, and recommends that the City Council authorize the execution of a contract with McCarthy Building Companies, Inc. for CMAR services for the construction of Ray White Road Widening Improvements project from Mirage Drive to the bridge over Bear Creek.

The following table demonstrates the funding history for the project:

Fund	Existing Funding	Future Funding	Project Total
34027 - 2022 Bond Program Fund	\$11,652,500.00	\$11,652,500.00	\$23,305,000.00
30108 - Transportation Impact Fee Cap Fund	\$500,000.00		\$500,000.00
30104 - Developer Contribution Fund	\$1,800,000.00		\$1,800,000.00
39403 - Street Improvements Fund	\$250,000.00		\$250,000.00
Project Total	\$14,202,500.00	\$11,652,500.00	\$25,855,000.00

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).

Funding is budgeted in the TPW Dept Highway & Streets Department's 2022 Bond Program Fund for the purpose of funding the Ray White Road project, as appropriated.

The M/WBE Office has determined that there is no M/WBE Diversity goal for Pre-Construction Phase Services. McCarthy Building Companies, Inc. is in compliance with the City's BDE Ordinance by committing to 15% MBE participation for the Construction Phase Services of this CMAR project.

The project is in COUNCIL DISTRICTS 4 and 7 / Future COUNCIL DISTRICT 4.

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 Ray White Road 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.

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Expedited