

Mayor and Council Communication

DATE: 08/27/24

M&C FILE NUMBER: M&C 24-0745

LOG NAME: 2024 DESIGN BUILD SERVICES FOR THE WAGLEY ROBERTSON ROAD PROJE

SUBJECT

(CD 7) Authorize Execution of a Design-Build Services Agreement with Flatiron Constructors, Inc. for the Design, Construction and Construction Management for the Wagley Robertson Road Project with a Preconstruction Phase Fee in the Amount of \$2,035,900.00, and a Construction Phase Fee of 5.25% of the Cost of Work, Within the Total Project Budget of \$25,390,680.00 (2022 Bond Program)

RECOMMENDATION:

It is recommended that the City Council authorize execution of a Design-Build Agreement with Flatiron Constructors, Inc. for the purpose of design, construction, and construction management for the Wagley Robertson Road project (City Project No. 104154) with a preconstruction phase fee in the amount of \$2,035,900.00, and a construction phase fee of 5.25% of the cost of work, within the project budget of \$25,390,680.00.

DISCUSSION:

This Mayor and Council Communication (M&C) recommends authorization for execution of a Design-Build Agreement with Flatiron Contractors, Inc. (Flatiron) for the design, construction, and construction management for the Wagley Robertson Road project (City Project No. 104154).

The agreement includes a pre-construction phase fee in the amount of \$2,035,900.00 and sets the construction phase fee of 5.25% of the cost of work. This project is being delivered using the Design-Build method which allows delivery flexibility via incremental components. After pre-construction phase activities have advanced sufficiently such that the project design and risks are suitably defined, a Guaranteed Maximum Price (GMP) for the construction phase will be established. The GMP is expected by early 2025, and excludes costs related to land acquisition, City project management costs, owner's representative (Freese and Nichols, Inc., City Secretary Contract No. 59368) and other project costs being directly undertaken by the Transportation & Public Works Department.

Flatiron was selected for this project using a two-step procurement process in accordance with Texas law. The first step, Request for Qualifications (RFQ), was advertised in the *Fort Worth Star-Telegram* on February 1, 2024, and February 8, 2024, and listed in the City of Fort Worth procurement software Bonfire Ref. # 24-0120 on February 1, 2024. The City received four responses in Bonfire on March 7, 2024, and the firms were publicly read aloud. After evaluation and scoring by the Evaluation Committee, three firms were invited to submit proposals as part of the second step of the procurement. One firm was eliminated as being non-responsive to the RFQ directions.

The City received three proposals in Bonfire Ref. No. 24-0185 Request for Proposal (RFP) Invitation Only from 24-0120 on May 23, 2024, each including a Cover Letter, Technical Proposal, Proposed Costing Methodology, Compliance with Business Equity Ordinance, and Acknowledgement of Addenda, which included a narrative description of services proposed to complete the project including a fixed price for pre-construction services as well as a fee for the construction phase a fixed percentage of the GMP. The proposals were reviewed, and a one-hour interview was conducted with each proposer.

The City's Evaluation Committee ranked Flatiron the highest using scoring methods developed and published in the Request for Proposals. See the table below for the evaluation scores of the three shortlisted firms.

Proposer	Total Score	Rank
Flatiron Constructors, Inc.	94.75	1
McCarthy Building Companies	91.00	2
Sundt Construction Inc.	77.50	3

The fees included in the Flatiron proposal are as follows:

- Pre-Construction Phase Fee: \$2,035,900.00
- Construction Phase Fee (to be included in GMP): 5.25%

Raising the roadway out of a potential overtopping situation, constructing a full Master Thoroughfare Plan (MTP) Street of 4 lanes with a divided median to replace the existing old county road, and safety for the traveling public are the project's primary objectives. The project consists of the construction of 0.45 miles of Wagley Robertson Road between Coneflower Trail and Quicksilver Trail. The project includes a typical proposed

Right-of-Way width of 110 feet, shared-use paths, streetlights, retaining walls, two studied stream crossings, and a four-lane divided (four 11-foot-wide travel lanes) neighborhood connector road with raised medians. The project is considered full roadway reconstruction with major stream crossings at Big Fossil Creek and Tributary to Big Fossil Creek. The project includes roadway connections to Bent Oak Drive and Jetliner Avenue as well as bridge-class culverts across Big Fossil Creek and Tributary to Big Fossil Creek.

The proposed pre-construction budget and fees are considered fair and reasonable by City staff. The following table summarizes the current available funding for the project:

Fund	Existing Funding	Additional Funding	Project Total
3014 - 2014 Bond Fund	\$2,500,000.00	\$0.00	\$ 2,500,000.00
3027- 2022 Bond Fund	11,000,000.00	0.00	11,000,000.00
30108 - Impact Fee	4,000,000.00	0.00	4,000,000.00
30104 - Developer Contribution	2,890,680.00	0.00	2,890,680.00
52002 - Stormwater Capital Projects	3,000,000.00	0.00	3,000,000.00
52008 - Drainage Rev Bonds Series 2023	2,000,000.00	0.00	2,000,000.00
Total	\$25,390,680.00	\$0.00	\$25,390,680.00

The design and construction budget within the overall project budget is currently estimated to be \$17,780,000.00

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 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 Stormwater Capital Projects & Drainage Rev Bonds Series 2023 Funds for the TPW Dept Highway & Streets Department for the purpose of funding the Wagley Robertson project, as appropriated.

MWBE Office: The City's Business Equity goal on this Design-Build project is 16%. Flatiron Constructors, Inc., has agreed/committed to utilize 16% business equity subcontractor participation for the scope of work, meeting the City's Business Equity Ordinance. Any changes in subcontractors will be reviewed by the Business Opportunity Division. As customary for Design-Build projects, MWBE participation will be fully determined at the time GMP is submitted.

The Project is located 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 Stormwater Capital Projects and the Drainage Rev Bonds Series 2023 Funds for the Wagley Robertson Road project to support the above recommendation and execution of the agreement. Prior to any expenditure being incurred, the Transportation & Public Works Department is responsible for validating the availability of funds.

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