

Mayor and Council Communication

DATE: 03/23/21

M&C FILE NUMBER: M&C 21-0221

LOG NAME: 80NORTHWEST COMMUNITY PARK NORTH ROAD IMPROVEMENT

SUBJECT

(CD 7) Authorize Execution of a Construction Manager at Risk Agreement with The Fain Group, Inc., for the Northwest Community Park North Road Project with a Preconstruction Phase Services Fee in the Amount of \$25,000.00 and a Construction Phase Services Fee of Four Percent of the Guaranteed Maximum Price within a Project Construction Budget of \$1,800,000.00, Adopt Appropriation Ordinances, and Amend the FY2021-2025 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize execution of a Construction Manager at Risk Agreement with The Fain Group, Inc., for the Northwest Community Park North Road project (City Project No. 102749) with a Preconstruction Phase Services Fee in the amount of \$25,000.00 and a Construction Phase Services Fee of four percent (4%) of the Guaranteed Maximum Price within a Project Construction Budget of \$1,800,000.00;
 2. Adopt the attached appropriation ordinance adjusting appropriations in the General Capital Projects Fund by decreasing receipts and appropriations in the PARD Roads and Parking programmable project (City Project No. P00098) in the amount of \$750,000.00, and increasing receipts and appropriations in the Northwest Community Park North Road project by the same amount;
 3. Adopt the attached appropriation ordinance adjusting the receipts and appropriations in the General Capital Projects Fund by decreasing receipts and appropriations in the PARD New Enhancements programmable project (City Project No. P00132) in the amount of \$125,000.00, and increasing receipts and appropriations in the Northwest Community Park North Road project and by the same amount;
 4. Adopt the attached appropriation ordinance increasing receipts and appropriations in the General Capital Projects Fund in the amount of \$3,231.50, from available funds, for the purpose of funding the Northwest Community Park North Road project;
 5. Adopt the attached appropriation ordinance adjusting receipts and appropriations in the PARD Dedication Fees Fund by decreasing receipts and appropriations in the PDFI-Park Improvements programmable project (City Project No. P00058) in the amount of \$37,571.13, and increasing receipts and appropriations in the Northwest Community Park North Road project and by the same amount;
 6. Adopt the attached appropriation ordinance increasing receipts and appropriations in the PARD Dedication Fees Fund in the amount of \$1,061,022.00, from available funds, for the purpose of funding the Northwest Community Park North Road project;
 7. Adopt the attached appropriation ordinance adjusting receipts and appropriations in the PARD Gas Lease Capital Project Fund by decreasing receipts and appropriations in the Park Improvements programmable project (City Project No. P00059) in the amount of \$1,838.16, and increasing receipts and appropriations in the Northwest Community Park North Road project by the same amount;
 8. Adopt the attached appropriation ordinance increasing receipts and appropriations in the PARD Gas Lease Capital Project Fund in the amount of \$21,879.77, from available funds, for the purpose of funding the Northwest Community Park North Road project; and
 9. Amend the FY2021-2025 Capital Improvement Program.
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DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to authorize execution of a Construction Manager at Risk (CMAR) agreement with The Fain Group, Inc., for the Northwest Community Park North Road Improvement project with a Pre-construction Phase Services Fee in the amount of \$25,000.00 and a Construction Phase Services Fee of four percent (4%) of the construction cost contained within the Guaranteed Maximum Price within a Project Construction Budget of \$1,800,000.00. The total overall project budget is \$2,000,542.56 which will include the City's contingency, project administration, inspection, testing, utility connections, design and construction. In addition, this M&C authorizes supplemental appropriation ordinances from accessible funds necessary to fully fund the park road and bridge project improving vehicle access to the site.

The project includes construction of a north access road at the intersection of Harmon Road and FM 156 to serve the Northwest Community Park. This entrance will be signalized which will be safer, and allow park visitors to exit onto the north bound lanes on FM 156. The current exit is right turn (south bound) only. The specific project scope includes demolition and removals, earthwork and grading, road work and installation of a +/- 450' bridge, a new alignment of the north access road at the Northwest Community Park ballfield parking lot.

Design Services

On October 5, 2020, a professional services engineering agreement with Halff Associates, Inc. (Consultant) was administratively executed in the amount of \$99,135.00 for engineering and preparation of construction documents for this project (City Secretary Contract No. 54630).

The project requires a bridge crossing over the Fossil Creek Tributary #4 sufficient to withstand a 100-year storm event which has added additional cost than previously estimated.

CMAR Selection

A Request for Proposals for a CMAR was advertised in the Fort Worth Star-Telegram on January 7 and 14, 2021. A pre-proposal meeting was held January 21, 2021. The City received 2 proposals on February 4, 2021 from the contractors listed below:

- The Fain Group, Inc.
- McCarthy Building Companies, Inc.

A selection team, comprised of representatives of the Park & Recreation Department and the Business Equity Division reviewed and scored the submittals. The selection team reviewed the proposers' (a) corporate experience and financial stability, (b) pre-construction services fee, (c) qualifications and experience of key personnel, (d) pre-construction services approach, (e) construction services approach, (f) Quality Assurance/Quality Control (QA/QC) and safety plan approach, (g) cost and schedule controls, and (h) compliance with Business Diversity Enterprise Ordinance. The individual scores were totaled for the final score listed in the following table.

Proposers	Evaluation Factors									
	a	b	c	d	e	f	g	h	Totals	Rank
The Fain Group, Inc.	35	18	66	51	51	17	78	12	328	1
McCarthy Building, Companies, Inc	32	9.5	66	51	51	17	78	20	324.5	2

Staff recommends that the City Council authorize execution the CMAR Construction Contract with The Fain Group, Inc., for construction of Northwest Community Park North Road Improvement project.

Pre-construction services will commence upon award of this contract and issuance of a notice to proceed. Construction services for Northwest Community Park North Road will begin in Spring 2021. The project to be completed by September 2021.

As of January 31, 2021, the cumulative unfunded total of all previously approved M&C's increased the department's estimated annual maintenance by \$748,890.00 beginning in FY2022. Northwest Community Park North Road is estimated to increase the department's annual maintenance by \$5,112.00 beginning in FY2022.

Approval of Recommendation No. 2 would adjust appropriations between a programmable project and convert the Northwest Park North Road Project (City Project No. 102749) into a static capital project. This action is needed as future funding for the Northwest Park North Road Project (City Project No. 102749) is anticipated from other funding sources and the scope of this project differs from that of the current programmable project.

Funding was included in the FY2021-2025 Capital Improvement Program for projects P00132 (PARD New Enhancements), P00058 (PARD Dedication Fee Interest-Park Improvements), and P00059 (Park Improvements). In order to administratively track the spending of all funding sources in one project, appropriation ordinances are needed to move appropriations from the programmable project to the jointly funded static project. This action will amend the FY2021-2025 Capital improvement Program as approved in connection with Ordinance 24446-09-2020.

M/WBE Office – The FAIN GROUP, INC, is in compliance with the City's Business Equity Ordinance by committing to 11% Business Equity participation on this CMAR project. The City's Business Equity goal on this CMAR project is 11%.

Northwest Community Park is located in COUNCIL DISTRICT 7.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available in the Unspecified - All Funds and Unspecified - Gas Lease Rev projects, the PDFI-Park Improvement, Park Improvements, and the PARD New Enhancements programmable projects within the PARD Gas Lease Capital Project, PARD Dedication Fees, and the General Capital Projects Funds and upon approval of the above recommendations and adoption of the attached appropriation ordinances, funds will be available in the PARD Gas Lease Capital Project, PARD Dedication Fees, and the General Capital Projects Funds for the Northwest Park North Road project to support the approval of the above recommendations and execution of the agreement. 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

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Expedited