

Mayor and Council Communication

DATE: 03/29/22

M&C FILE NUMBER: M&C 22-0241

LOG NAME: 80FIRE STATION PARK IMPROVEMENTS CMAR

SUBJECT

(CD 9) Authorize Execution of a Funding Agreement with Historic Southside, Inc., dba Near Southside Arts, Inc. in the Amount of \$680,000 and Authorize a Construction Manager at Risk Agreement with Dean Electric, Inc., dba Dean Construction, for the Fire Station Park Expansion Project with a Preconstruction Phase Services Fee in the Amount of \$3,500.00 and a Construction Phase Services Fee of 3.5% of the Guaranteed Maximum Price within a Project Construction Budget of \$1,500,000.00, Adopt Attached Appropriation Ordinances, and Amend the Fiscal Years 2022-2026 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize a funding agreement with Historic Southside, Inc., dba Near Southside Arts, Inc., in the amount of \$680,000.00 for the Fire Station Park Expansion project (City Project No. C02638);
2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the General Capital Project Fund in the amount of \$680,000.00, from Near Southside Arts contributed funds, for the purpose of funding the Fire Station Park Expansion project;
3. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the PARD Dedication Fees Fund in the amount of \$1,000,000.00, from available funds, for the purpose of funding the Fire Station Park Expansion project;
4. Adopt the attached appropriation ordinance adjusting estimated receipts and appropriations in the PARD Dedication Fees Fund, in the amount of \$180,000.00, by decreasing estimated receipts and appropriations in the Central City programmable project (City Project No. P00057), and increasing estimated receipts and appropriations in the Fire Station Park Expansion project (City Project No. C02638) by the same amount;
5. Authorize execution of a Construction Manager at Risk Agreement with Dean Electric, Inc. dba Dean Construction, for the Fire Station Park Expansion project with a preconstruction phase services fee in the amount of \$3,500.00 and a construction phase services fee of 3.5% of the Guaranteed Maximum Price within a project construction budget of \$1,500,000.00; and
6. Amend the Fiscal Years 2022-2026 Capital Improvement Program.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to accept local funding from Historic Southside, Inc. and authorize execution of a Construction Manager at Risk (CMAR) agreement with Dean Electric, Inc., dba Dean Construction (Dean Construction), for the Park & Recreation Department's (PARC) Fire Station Park Expansion project with a preconstruction phase services fee in the amount of \$3,500.00 and a construction phase services fee of 3.5% of the Guaranteed Maximum Price (GMP) within a project construction budget of \$1,500,000.00. The project scope includes the installation of lighting, vehicular and pedestrian pavement, plaza, skate park, pump track, dog park, event lawn and other park amenities. The overall project budget, inclusive of design, is \$1,889,446.00.

Design Services:

On August 30, 2016, the City Council authorized the acquisition of approximately 1.35 acres of land located at 1616 Hemphill Street for the expansion of existing Fire Station Park (M&C L-15946). On April 26, 2019, an Engineering Services Agreement with Pacheco Koch Consulting Engineers, Inc. (Pacheco Koch) was administratively executed in the amount of \$10,000.00 to prepare Phase I development of the site (City Secretary Contract No. 52234). On May 6, 2020, the City Council authorized Amendment No. 1 to the agreement to provide additional design and construction documents for the site in an amount of \$124,828.00, for a total contract value of \$134,828.00 (M&C 20-0321).

Due to factors of budget and private fund schedules, City staff determined that utilizing a CMAR method of project delivery would best assist the progression of the project. By engaging a CMAR early in the project schedule the overall project delivery time can be reduced.

CMAR Selection:

A Request for Proposals for a CMAR was advertised in the *Fort Worth Star-Telegram* on December 16 and 23, 2021. A pre-proposal meeting and site visit was held January 6, 2022. The City received two proposals on January 20, 2022 from the contractors listed below:

- Dean Construction
- The Fain Group, Inc.

A selection team, comprised of representatives of the PARC, City Diversity and Inclusion Department, Near Southside Arts, Inc., (NSA) and Pacheco Koch reviewed and scored the submittals. The selection team reviewed the proposers' (a) corporate experience & financial stability, (b) pricing of CMAR services, (c) CMAR qualifications and experience of key personnel, (d) construction approach, (e) pre-construction approach, (f) QA/QC and safety plan, (g) cost and schedule control; (h) compliance with the Business Equity Ordinance. The individual scores were averaged for each of the criteria and the final scores are listed in the following table.

Proposers	Evaluation Factors									
	a	b	c	d	e	f	g	h	Total Score	Rank
Dean Construction	7.6	8.0	15.6	12.6	8.6	4.4	17.0	2.0	75.8	1
The Fain Group, Inc.	7.0	6.6	16.0	11.7	8.4	3.3	19.6	1.0	73.6	2

Staff recommends that the City Council authorize execution of a CMAR Construction Contract with Dean Construction, for development and construction of the Fire Station Park Expansion project.

This project is being funded by City PARD Dedication Fees Fund and private funds provided by NSA as shown in the following table. NSA will make an initial payment in the amount of \$530,000.00 to the City upon execution of the funding agreement between the City and NSA. NSA shall make three future payments of \$50,000.00 each to the City as outlined below.

Fund	Sources	Available Date	Amount
PARD Dedication Fees Fund	CFW	Available Now	\$1,000,000.00
Private Funds	NSA	Available Now	\$530,000.00
Private Funds	NSA	Prior to June 30, 2022	\$50,000.00
Private Funds	NSA	Prior to June 30, 2023	\$50,000.00
Private Funds	NSA	Prior to June 30, 2024	\$50,000.00
PARTNERSHIP FUNDING			\$1,680,000.00

Funding for this project was not included in the Fiscal Years 2022-2026 Capital Improvement Program (CIP) due to unrealized private funding at the time of CIP submission. The action in this M&C will amend the FY2022-2026 CIP.

Approval of Recommendation No. 4 would adjust appropriations between a programmable project and convert the Fire Station Park Expansion project in a static capital project. This action is needed as future funding for the Fire Station Park Expansion project is anticipated from other funding sources and the scope of this project differs from that of the current programmable project.

Schedule – Pre-Construction services will commence upon award of this contract and issuance of a Notice to Proceed. Construction services for Fire Station Park Expansion project will begin April 2022, with completion of the skate park by October 2022 and the completion of the remaining park improvements by February 2023.

The Fire Station Park Expansion project is estimated to increase the department's annual maintenance by \$25,402.00 beginning in FY2023. As of January 31, 2021, the cumulative total of all previously approved M&C's increased the department's estimated annual maintenance by \$557,948.00 beginning in FY2023.

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.

Business Equity Goal – Dean Construction is in compliance with the City's Business Equity Ordinance by committing to 20% Business Equity participation on this project. The City's Business Equity goal on this CMAR project is 20%.

Fire Station Park is located in COUNCIL DISTRICT 9.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that upon approval of the above recommendations, execution of the agreements and adoption of the attached appropriation ordinances, funds will be deposited into the General Capital Projects Fund and available in the PARD Dedication Fees Fund, as appropriated. The Park & Recreation Department (and Financial Management Services) is responsible for the collection and deposit of funds due to the City. Prior to any expense being incurred, the Park & Recreation Department also has the responsibility to validate the availability of funds

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Expedited