City of Fayetteville Staff Review Form

2021-0583

Legistar File ID

8/17/2021

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chris Brown	7/28/2021	ENGINEERING (621)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Approval of a contract amendment in the amount of $71,300 (total contract amount of $418,000) with Garver, LLC. for design and construction engineering services associated with the Missouri Creek Drainage Basin. Approval of a Budget Adjustment.

Budget Impact:

4604.860.7410-5860.02	4604-Drainage Projects 2019 Bonds
Account Number	Fund
46040.7410.1000	Drainage Projects (2019 Bonds), Missouri Creek/Rolling Hills Drainage Phase 1
Project Number	Project Title

Budgeted Item?	Yes	Current Budget	$	3,527,034.00
		Funds Obligated	$	153,717.33
		Current Balance	**$**	**3,373,316.67**
Does item have a cost?	Yes	Item Cost	$	71,300.00
Budget Adjustment Attached?	Yes	Budget Adjustment	$	71,300.00
		Remaining Budget	**$**	**3,373,316.67**

V20210527

Purchase Order Number:	2019-660	**Previous Ordinance or Resolution #**	212-19
Change Order Number:	1	**Approval Date:**	
Original Contract Number:	2019-37		

Comments:

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO

MEETING OF AUGUST 17, 2021

TO: Mayor and City Council

THRU: Susan Norton, Chief of Staff
Chris Brown, Public Works Director

FROM: Alan Pugh, Staff Engineer

DATE: July 26, 2021

SUBJECT: **Approval of a contract amendment in the amount of $71,300 (total contract amount of $418,000) with Garver, LLC. for design and construction engineering services associated with the Missouri Creek Drainage Basin. Approval of a Budget Adjustment**

RECOMMENDATION:
Staff recommends City Council approval of a contract amendment in the amount of $71,300 (total contract amount of $418,000) with Garver, LLC. for design and construction engineering services associated with the Missouri Creek Drainage Basin. Approval of a Budget Adjustment.

BACKGROUND:
Due to historic flooding and flooding of multiple homes in the area of Rolling Hills along Stanton Ave, this project was identified as a priority in the 2019 Drainage Bond program. This project consists of planned drainage improvements throughout the upper portion of the Missouri Creek watershed. The design included a complete drainage analysis and improvements associated with helping to alleviate flooding within the Missouri Creek Drainage Basin including hydrologic and hydraulic studies, design, preparation of property acquisition document and bidding services for improvements along Stanton Avenue between N Elizabeth Avenue and Rolling Hills Drive, along Loxley Avenue between Cortland Street and Harold Street and capacity improvements to Missouri Creek between Rolling Hills Drive and Stubblefield Road.

DISCUSSION:
The project was designed and bids were received on June 16, 2021. Unfortunately, the bids were significantly higher than the estimated construction costs and exceeded the available funds for the project. Staff feels that this could be partially attributed to the current bidding environment and the uncertainty in the supply chain for certain products. However, in order to move forward with the improvements, staff has worked with Garver to revise the scope of work in certain areas of the project while maintaining the overall goal to reduce flooding of the impacted homes and properties.

In order to complete the design of what are currently conceptual level revisions and provide the construction services for the project, Garver, LLC has provided a proposed scope and fee for the amendment in the amount of $71,300 (total contract amount of $418,000) for the design of this project. This will include the redesign of certain sanitary sewer relocations as well as the

main stormwater structures to keep the project within budget. Staff continues to feel the improvements will address the main flooding issues even after the proposed redesign. The contract will be paid based on hourly rates for work completed, up to the total contract amount.

BUDGET/STAFF IMPACT:
The design and construction services for this project will be paid for with the funds from the 2019 Drainage Bond Project.

Attachments:
Engineering Agreement

AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES
City of Fayetteville
Fayetteville, AR
Project No. 19T21080

CONTRACT AMENDMENT NO. 1

This Contract Amendment No. 1, effective on the date last written below, shall amend the original contract between the City of Fayetteville (Owner) and GARVER, LLC (GARVER), dated September 17, 2019 referred to in the following paragraphs as the original contract.

This Contract Amendment No. 1 adds professional services for the:

Missouri Creek Drainage Improvements project. Generally, Amendment No. 1 will add scope of services to the project including plan changes necessary to meet the allowable project budget, the re-bid of the project, and the addition of Construction Phase Services.

The original contract is hereby modified as follows:

APPENDIX A – SCOPE OF SERVICES

The following items will be added to ***Section 2. Surveys*** *of the original contract SCOPE OF SERVICES:*

2.1 Design Surveys

Garver will provide additional field survey data for the design of drainage improvements for the E. Briarcliff Street cul-de-sac.

2.2 Property Surveys

Garver will locate existing monumentation representing right of way and/or easements based on record data for the design of drainage improvements for the E. Briarcliff Street cul-de-sac.

The following items will be added to ***Section 9. Final Design*** *of the original contract SCOPE OF SERVICES:*

Garver will review the original bid tabulation and make recommendations to the City for cost saving alternatives to meet the allowable project budget. Based on those recommendations, Garver will revise the storm drainage, water, and sanitary sewer in the Plans.

Additionally, Garver will design drainage improvements for the E. Briarcliff Street cul-de-sac consisting of a roadway grate inlet, drainage pipe, and reconstruction of an existing curb inlet and concrete ditch paving.

The following items will be added to ***Section 11. Bidding Services*** *of the original contract SCOPE OF SERVICES:*

The project will be bid a second time after the project plans have been revised. During the rebid of the project, Garver will:

A. Prepare and submit Advertisement for Bids to newspaper(s) for publication as directed by the Owner. Owner will pay advertising costs outside of this contract.
B. Dispense construction contract documents to prospective bidders (at the approximate cost of reproduction and handling).
C. Support the contract documents by preparing addenda as appropriate.
D. Participate in a pre-bid meeting if necessary.
E. Attend the bid opening.
F. Prepare bid tabulation.
G. Evaluate bids and recommend award.
H. Prepare construction contracts.

The following items will be added to ***Section 12. Construction Phase Services*** *of the original contract SCOPE OF SERVICES:*

During the construction phase of work, Garver will accomplish the following:

A. Issue a Notice to Proceed letter to the Contractor and attend preconstruction meeting.
B. Evaluate and respond to construction material submittals and shop drawings. Corrections or comments made by Garver on the shop drawings during this review will not relieve Contractor from compliance with requirements of the drawings and specifications. The check will only be for review of general conformance with the design concept of the project and general compliance with the information given in the contract documents. The Contractor will be responsible for confirming and correlating all quantities and dimensions, selecting fabrication processes and techniques of construction, coordinating his work with that of all other trades, and performing his work in a safe and satisfactory manner. Garver's review shall not constitute approval of safety precautions or constitute approval of construction means, methods, techniques, sequences, procedures, or assembly of various components. When certification of performance characteristics of materials, systems or equipment is required by the Contract Documents, either directly or implied for a complete and workable system, Garver shall be entitled to rely upon such submittal or implied certification to establish that the materials, systems or equipment will meet the performance criteria required by the Contract Documents.
C. Issue instructions to the Contractor on behalf of the Owner and issue necessary clarifications (respond to RFIs) regarding the construction contract documents.
D. Review the progress payment request received from the Contractor and make a recommendation to the Owner regarding payment. Garver's recommendation for payment shall not be a representation that Garver has made exhaustive or continuous inspections to (1) check the quality or exact quantities of the Work; (2) to review billings from Subcontractors and material suppliers to substantiate the Contractor's right to payment; or (3) to ascertain how the Contractor has used money previously paid to the Contractor.
E. When requested by the Contactor or City, meet on site to discuss construction progress / issues. Onsite meetings/observation will be capped at a total of 46 hours.
F. When authorized by the Owner, prepare change orders for changes in the work from that originally provided for in the construction contract documents. If redesign or substantial engineering or surveying is required in the preparation of these change order documents, the Owner will pay Garver an additional fee to be agreed upon by the Owner and Garver.

G. Participate in final project inspection, prepare punch list, review final project closing documents, and review the final pay request.

APPENDIX B – GARVER FEE SPREADSHEETS

The Maximum Not to Exceed Amount will be increased **$71,300** from $346,700 to **$418,000** as shown on the attached Appendix B Fee Summary Sheet – Amendment No. 1.

This Agreement may be executed in two (2) or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, Owner and GARVER have executed this Amendment effective as of the date last written below.

CITY OF FATETTEVILLE	GARVER, LLC
By: _____ *Signature*	By: _____ *Signature*
Name: _____ *Printed Name*	Name: Ronald S. Petrie *Printed Name*
Title: _____	Title: Senior Project Manager
Date: _____	Date: 7/27/2021
Attest: _____	Attest: Zach Moore

Appendix B
CITY OF FAYETTEVILLE
MISSOURI CREEK IMPROVEMENTS - AMENDMENT NO. 1
Garver Hourly Rate Schedule: July 2021 - June 2022

Classification	Rates
Engineers / Architects	
E-1	$ 114.00
E-2	$ 132.00
E-3	$ 160.00
E-4	$ 187.00
E-5	$ 228.00
E-6	$ 280.00
E-7	$ 373.00
Planners / Environmental Specialist	
P-1	$ 137.00
P-2	$ 172.00
P-3	$ 209.00
P-4	$ 239.00
P-5	$ 273.00
P-6	$ 316.00
P-7	$ 390.00
Designers	
D-1	$ 106.00
D-2	$ 124.00
D-3	$ 148.00
D-4	$ 172.00
Technicians	
T-1	$ 83.00
T-2	$ 105.00
T-3	$ 128.00
Surveyors	
S-1	$ 51.00
S-2	$ 68.00
S-3	$ 91.00
S-4	$ 130.00
S-5	$ 172.00
S-6	$ 196.00
2-Man Crew (Survey)	$ 208.00
3-Man Crew (Survey)	$ 259.00
2-Man Crew (GPS Survey)	$ 228.00
3-Man Crew (GPS Survey)	$ 279.00
Construction Observation	
C-1	$ 100.00
C-2	$ 129.00
C-3	$ 158.00
C-4	$ 194.00
C-5	$ 232.00
Management/Administration	
M-1	$ 381.00
X-1	$ 65.00
X-2	$ 89.00
X-3	$ 123.00
X-4	$ 157.00
X-5	$ 193.00
X-6	$ 238.00
X-7	$ 287.00
X-8	$ 359.00
X-9	$ 433.00

Appendix B

CITY OF FAYETTEVILLE
MISSOURI CREEK DRAINAGE IMPROVEMENTS

FEE SUMMARY - AMENDMENT NO. 1

Title I Services	Original Agreement Estimated Fees	Amendment No. 1 Estimated Fees	Total Estimated Fees
Geotechnical Services (Terracon)	$6,100.00	$0.00	$6,100.00
Record Research	$0.00	$0.00	$0.00
Utility Marking	$1,000.00	$30.00	$1,030.00
Environmental Handling/Documentation	$15,200.00	$0.00	$15,200.00
Surveys	$86,750.00	$6,580.00	$93,330.00
H & H Studies	$61,600.00	$0.00	$61,600.00
Water & Sewer Relocations	$28,800.00	$0.00	$28,800.00
Conceptual Design	$41,400.00	$0.00	$41,400.00
Preliminary Design	$35,800.00	$0.00	$35,800.00
Final Design	$36,200.00	$35,000.00	$71,200.00
Property Acquisition Documents	$28,000.00	$0.00	$28,000.00
Bidding Services	$5,850.00	$4,890.00	$10,740.00
Subtotal for Title I Service	**$346,700.00**	**$46,500.00**	**$393,200.00**
Title II Services			
Construction Materials Testing	$0.00	$0.00	$0.00
Construction Phase Services	$0.00	$24,800.00	$24,800.00
Subtotal for Title II Service	**$0.00**	**$24,800.00**	**$24,800.00**
FEE TOTAL	**$346,700.00**	**$71,300.00**	**$418,000.00**

Appendix B

CITY OF FAYETTEVILLE
MISSOURI CREEK IMPROVEMENTS - AMENDMENT NO. 1

SURVEYS

WORK TASK DESCRIPTION	E-4	S-5	S-4	2-Man Crew (Survey)	2-Man Crew (GPS Survey)	T-2	X-1
	$187.00	$172.00	$130.00	$208.00	$228.00	$105.00	$65.00
	hr	hr	hr	hr	hr	hr	hr
1. Topographic Survey							
Coordination and Administration	2						
Establish Horizontal and Vertical Control		1			2		
Topographic Surveys		2			10		
Locate Utilities					2		
Data Processing/DTM Preparation			6				
Subtotal - Topographic Survey	**2**	**3**	**6**	**0**	**14**	**0**	**0**
2. Property Survey							
Coordination and Administration							
Record and Field Research			2				
Property Surveys					4		
Data Processing/Property-Easement Delineation			4				
Subtotal - Property Survey	**0**	**0**	**6**	**0**	**4**	**0**	**0**
Hours	**2**	**3**	**12**	**0**	**18**	**0**	**0**
Salary Costs	$374.00	$516.00	$1,560.00	$0.00	$4,104.00	$0.00	$0.00

SUBTOTAL - SALARIES:		**$6,554.00**
DIRECT NON-LABOR EXPENSES		
Document Printing/Reproduction/Assembly	$4.00	
Postage/Freight/Courier	$0.00	
Survey Supplies	$0.00	
Travel Costs	$22.00	
SUBTOTAL - DIRECT NON-LABOR EXPENSES:		**$26.00**
SUBTOTAL:		**$6,580.00**
SUBCONSULTANTS FEE:		**$0.00**
TOTAL FEE:		**$6,580.00**

Appendix B

CITY OF FAYETTEVILLE
MISSOURI CREEK IMPROVEMENTS - AMENDMENT NO. 1

FINAL DESIGN

WORK TASK DESCRIPTION	E-6	E-5	E-4	E-3	E-2	E-1	T-1
	$280.00	$228.00	$187.00	$160.00	$132.00	$114.00	$83.00
	hr	hr	hr	hr	hr	hr	hr
1. Project Management							
Administration and Coordination	4		8				
Quality Control Review	2		4				
Submittals to Client			2				
Subtotal - Project Management	**6**	**0**	**14**	**0**	**0**	**0**	**0**
2. Civil Engineering							
Cost Saving Alternative Evaluation	4		16			32	
Plan Revisions to incorporate Cost Saving Alternatives for Rebid							
Typical Sections			1			1	2
Plan & Profile Sheets			4			16	30
Maintenance of Traffic Plan			1			1	2
Driveways			2			2	4
Drainage Improvements	2		10			30	4
Sidewalks			2			2	4
Typical Details			1			2	2
Erosion Control Plans			1			2	2
Water and Sanitary Sewer Plans				8			2
Water and Sanitary Sewer Details				1			1
Final Review/Walkthrough with City	2		4				
Coordination with Utility Companies			2				
Coordination and Meetings with Owner	2		4				
Coordination with Health Department				3			
Specifications/Contract Documents	1		4				
Quantities			2			4	
Opinion of Probable Construction Cost	1		2				
Subtotal - Civil Engineering	**12**	**0**	**56**	**12**	**0**	**92**	**53**
Hours	**18**	**0**	**70**	**12**	**0**	**92**	**53**
Salary Costs	$5,040.00	$0.00	$13,090.00	$1,920.00	$0.00	$10,488.00	$4,399.00

SUBTOTAL - SALARIES:		**$34,937.00**
DIRECT NON-LABOR EXPENSES		
Document Printing/Reproduction/Assembly	$33.00	
Postage/Freight/Courier	$30.00	
Travel Costs	$0.00	
SUBTOTAL - DIRECT NON-LABOR EXPENSES:		**$63.00**
SUBTOTAL:		**$35,000.00**
SUBCONSULTANTS FEE:		**$0.00**
TOTAL FEE:		**$35,000.00**

Appendix B

CITY OF FAYETTEVILLE
MISSOURI CREEK IMPROVEMENTS - AMENDMENT NO. 1

BIDDING SERVICES

WORK TASK DESCRIPTION	E-6	E-5	E-4	E-3	E-2	E-1	T-1
	$280.00	$228.00	$187.00	$160.00	$132.00	$114.00	$83.00
	hr	hr	hr	hr	hr	hr	hr
1. Project Management - (Rebid)							
Administration and Coordination	2						
Subtotal - Project Management - (Rebid)	**2**	**0**	**0**	**0**	**0**	**0**	**0**
2. Civil Engineering - (Rebid)							
Dispense plans and specs to prospective bidders			2				
Addendums/Inquiries			6				
Pre-Bid Meeting	1		2				
Bid Opening	1		2				
Prepare bid tabulation			1				
Evaluate bids and recommend award			2				
Prepare construction contracts			4				
Notice to Proceed			1				
Subtotal - Civil Engineering - (Rebid)	**2**	**0**	**20**	**0**	**0**	**0**	**0**
Hours	**4**	**0**	**20**	**0**	**0**	**0**	**0**
Salary Costs	$1,120.00	$0.00	$3,740.00	$0.00	$0.00	$0.00	$0.00

SUBTOTAL - SALARIES:		**$4,860.00**
DIRECT NON-LABOR EXPENSES		
Document Printing/Reproduction/Assembly	$30.00	
Postage/Freight/Courier	$0.00	
Travel Costs	$0.00	
SUBTOTAL - DIRECT NON-LABOR EXPENSES:		**$30.00**
SUBTOTAL:		**$4,890.00**
SUBCONSULTANTS FEE:		**$0.00**
TOTAL FEE:		**$4,890.00**

Appendix B

CITY OF FAYETTEVILLE
MISSOURI CREEK IMPROVEMENTS - AMENDMENT NO. 1

CONSTRUCTION PHASE SERVICES

WORK TASK DESCRIPTION	E-6	E-5	E-4	E-3	E-2	E-1
	$280.00	$228.00	$187.00	$160.00	$132.00	$114.00
	hr	hr	hr	hr	hr	hr
1. Project Management						
Administration and Coordination	6		8			
Subtotal - Project Management	**6**	**0**	**8**	**0**	**0**	**0**
2. Civil Engineering						
Preconstruction Meeting	2		4			
Review Contractor's Monthly Pay Requests (10 pay requests)			15			
Response to Inquiries (RFIs)			8			
Shop Drawings/Material Submittals			20			
On-Site Meetings with Contractor/City	6		40			
Prepare Change Orders			8			
Final Project Inspection and Punchlist	2		4			
Subtotal - Civil Engineering	**10**	**0**	**99**	**0**	**0**	**0**
Hours	**16**	**0**	**107**	**0**	**0**	**0**
Salary Costs	$4,480.00	$0.00	$20,009.00	$0.00	$0.00	$0.00

SUBTOTAL - SALARIES:		**$24,489.00**
DIRECT NON-LABOR EXPENSES		
Document Printing/Reproduction/Assembly	$155.00	
Postage/Freight/Courier	$0.00	
Travel Costs	$156.00	
SUBTOTAL - DIRECT NON-LABOR EXPENSES:		**$311.00**
SUBTOTAL:		**$24,800.00**
SUBCONSULTANTS FEE:		**$0.00**
TOTAL FEE:		**$24,800.00**