

Staff Summary Report



Council Meeting Date: 06/05/08

Agenda Item Number: _____

SUBJECT: Request award of a construction contract to FNF Construction, Inc., and approval of a construction change order contingency for renovations to Hudson Park and constructing neighborhood traffic calming devices in Hudson Manor.

DOCUMENT NAME: 20080605PWDR03 HUDSON PARK (0706-20)
PROJECT NO. 6302631 & 5402821

SUPPORTING DOCS: Yes.

COMMENTS: Total cost for the construction contract is the amount of \$1,312,193.95 (base bid plus add alternates nos. 1, 2 and 3) and the construction change order contingency is the amount of \$131,000.

PREPARED BY: Donna Rygiel, Engineering Contract Administrator (x8520)

REVIEWED BY: Andy Goh, Deputy PW Manager/City Engineer (x8896)

APPROVED BY: Glenn Kephart, Public Works Manager (x8205)

**LEGAL REVIEW
AS TO FORM BY:** Teresa Voss, Assistant City Attorney (x8814)

FISCAL NOTE: Sufficient funds for the traffic calming portion of this project will be transferred from Capital Improvement Fund No. 5403031. Funding for the balance of this project, plus owner supplied items estimated at \$350,000, will be transferred from Capital Improvement Fund No. 6399729.

RECOMMENDATION: Award construction contract and approve change order contingency.

ADDITIONAL INFO: The scope of work includes renovations to Hudson Park called for in the master plan developed by the neighborhood, recommended by the Parks Board and Council Committee and adopted by Council in 2002. The renovations include the addition of children's play areas, ramadas, a water play area and ADA compliant improvements to the park restrooms. Traffic calming will be included as part of the project along Spence Drive, Williams Street and Cedar Street.

On May 13, 2008, the following bids were received:

<u>Contractor</u>	<u>Total Bid (Base Bid + Add Alt. #1-3)</u>
FNF Construction, Inc.	\$1,312,193.95
AAA Landscape	\$1,429,609.58
Spire Engineering, LLC	\$1,410,599.60
Norquay Construction, Inc.	\$1,473,211.43
Valleycrest Landscape Development, Inc.	\$1,513,812.55
ELS Construction, Inc.	\$1,528,341.16
SDB, Inc.	\$1,640,054.37
Willmeng Construction	\$1,172,759.31 (non-responsive)

The bid of Willmeng Construction was found to be non-responsive because they did not possess the appropriate State of Arizona license at the time of bid. The bid of FNF Construction, Inc. has been reviewed by staff and found to be in order.



CONTRACT

THIS CONTRACT, made and entered into this 5th day of June, 2008, by and between the City of Tempe, a Municipal Corporation, organized and existing under and by virtue of the laws of the State of Arizona, hereinafter designated the **OWNER**, and FNF Construction, Inc., of the City of Tempe, County of Maricopa, and State of Arizona, hereinafter designated as the **CONTRACTOR**:

WITNESSETH: That said Contractor, for and in consideration of the sum to be paid him or her by said Owner, in the manner, amount and at the time hereinafter provided in the "Bid" and of the other covenants and agreements herein contained, and under the penalties expressed in the bonds hereto attached, hereby agrees, for himself, his heirs, administrators, successors, and assigns as follows:

ARTICLE I - SCOPE OF THE WORK: The Contractor shall furnish any and all plant, materials, labor, construction equipment, services and transportation (all applicable taxes included) required for performing all work for the installation of the

**HUDSON PARK IMPROVEMENTS
PROJECT NO. 6302631
AND
HUDSON MANOR NEIGHBORHOOD TRAFFIC CALMING
PROJECT NO. 5402821**

for the sum of One Million Three Hundred Twelve Thousand One Hundred Ninety Three and 95/100 Dollars (Base Bid plus Alternate Nos. 1, 2, and 3) (\$1,312,193.95), and to construct the same and install the material therein for the Owner, in a good and workmanlike and substantial manner and to the satisfaction of the Owner or his properly authorized agents and strictly pursuant to and in conformity with the Specifications and Plans for the above referenced project(s) and other documents that may be made by the Owner through the Engineer or his properly authorized agents, as provided herein.

ARTICLE II - CONTRACT DOCUMENTS: The Notice to Contractor, General Provisions, Special Provisions, Technical Specifications, Maricopa Association of Governments 2008 Uniform Standard Specifications for Public Works Construction and Maricopa Association of Governments 2008 Uniform Standards Details for Public Works Construction as amended by the City of Tempe, Bid, Plans, together with Bid Security, Performance Bonds, Payment Bond, and Addenda thereto, if any.

ARTICLE III - TIME OF COMPLETION: The Contractor further covenants and agrees at his own proper cost and expense, to do all work and furnish all plant, materials, labor, construction equipment, services and transportation for performing all of the work for the construction of said improvements and to construct the same and install the material therein, as called for by this Contract free and clear in all claims, liens, and charges whatsoever, in the manner and under the conditions specified within the time stated in this proposal.

Contract - continued

IN WITNESS WHEREOF, this Contract has been duly executed by the parties hereinabove named, on the date and year first herein written.

CITY OF TEMPE
a Municipal Corporation

Name

Title

Recommended by:

Deputy PW Manager/City Engineer

(Corporate Seal)

ATTEST:

Authorized Officer

Official Title

APPROVED AS TO FORM:

City Attorney

The Contractor warrants that the person who is signing this Contract on behalf of the Contractor is authorized to do so and to execute all other documents necessary to carry out the terms of this Contract.

CONTRACTOR:

Company Name

By: _____
Name

Its: _____
Title

City of Tempe Transaction Privilege
License (Sales Tax) Permit No.

(Corporate Seal)

Certified to be a true and exact copy

Karen M. Fillmore, Records Specialist

Witness: If Contractor is an Individual