

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 30, 2023

TO: The Honorable Brandi Gabbard, Chair, and Members of City Council

SUBJECT: A Resolution accepting a Guaranteed Maximum Price (“GMP”) proposal in the amount of \$1,293,321.49 submitted by Biltmore Construction Co., Inc. (“Biltmore”) on October 19, 2023 for construction phase services associated with streetscape and traffic calming improvements as part of the St Pete Innovation District Streetscape, 7th Street and 2nd/3rd Avenue S – New Medians, and Median Separator – 37th St and 38th Ave S projects; authorizing the Mayor or his designee to execute the First Amendment to the Construction Manager at Risk Agreement with a GMP between the City of St. Petersburg, Florida and Biltmore dated October 18, 2023 to incorporate the GMP Proposal into the agreement and modify other necessary provisions; approving a transfer in the amount of \$160,000 from the unappropriated balance of the Bayboro Harbor Tax Increment District Fund (1106) to the Tax Increment Financing Capital Improvement Fund (3005); approving a supplemental appropriation in the amount of \$160,000 from the increase in the unappropriated balance of the Tax Increment Financing Capital Improvement Fund (3005), resulting from the above transfer, to the Innovation District Improvements Project (15612); and providing an effective date. (ECID Project Nos. 17103-212, 18014-112, 19038-112 and 19042-112; Oracle Nos. 16154, 15612, 18620, 17995, 18625, 18630, 16146 and 18619)

EXPLANATION: On November 10, 2022, City Council acknowledged the selection of two CMAR firms for the CMAR Continuing Services for Roadways, Structures, and Stormwater projects, for the Engineering & Capital Improvements Department and authorized execution of Construction Manager at Risk Agreements with a Guaranteed Maximum Price with those firms. A Letter Agreement was executed with each firm establishing the terms and conditions of the continuing services including an agreed upon fee scale, the CMAR Agreement and insurance requirements.

On October 19, 2023, the Engineering and Capital Improvements Department (“ECID”) administratively approved the AIA Document A133 – 2019 and AIA Document A201-2017 with Biltmore for pre-construction services including the review of bid plans, site visits, and bidding services in the amount of \$19,640.00.

Streetscape and traffic calming improvements for each of the project is listed below:

17103-212 – St Pete Innovation District Streetscape

Installation of three mid-block crossings with rectangular rapid-flashing beacons (“RRFBs”) along 4th Street S from 6th Avenue S to Newton Avenue S including milling and resurfacing, signage and pavement marking modifications, and landscaping.

18014-112 – 7th Street and 2nd/3rd Avenue S – New Medians

Installation of six floating bulb-outs and one bioswale at 7th Street S and 2nd and 3rd Avenue S including RRFB’s and signage and pavement marking modifications.

19038-112 – Median Separator - 37th Street and 38th Avenue S

Installation of one median separator at 37th Street S and 38th Avenue S and signage and pavement marking modifications along 38th Avenue S from 40th Way S to 34th Street S.

A \$160,000 Owner’s Contingency for unforeseen conditions is included in the GMP.

The Engineering and Capital Improvements Department recommends for award:

Biltmore Construction Co Inc (Clearwater) \$1,293,321.49

City Code 2-234, Small Business Enterprise Assistance Program, requires a required participation percentage to be assigned to all construction projects of over \$50,000. This SBE participation goal for this project will be 20%.

RECOMMENDATION: Administration recommends authorizing the Mayor or his designee to accept a Guaranteed Maximum Price (“GMP”) proposal in the amount of \$1,293,321.49 submitted by Biltmore Construction Co., Inc. (“Biltmore”) on October 19, 2023 for construction phase services associated with streetscape and traffic calming improvements as part of the St Pete Innovation District Streetscape, 7th Street and 2nd/3rd Avenue S – New Medians, and Median Separator – 37th St and 38th Ave S projects; authorizing the Mayor or his designee to execute the First Amendment to the Construction Manager at Risk Agreement with a GMP between the City of St. Petersburg, Florida and Biltmore dated October 18, 2023 to incorporate the GMP Proposal into the agreement and modify other necessary provisions; approving a transfer in the amount of \$160,000 from the unappropriated balance of the Bayboro Harbor Tax Increment District Fund (1106) to the Tax Increment Financing Capital Improvement Fund (3005); approving a supplemental appropriation in the amount of \$160,000 from the increase in the unappropriated balance of the Tax Increment Financing Capital Improvement Fund (3005), resulting from the above transfer, to the Innovation District Improvements Project (15612); and providing an effective date. (ECID Project Nos. 17103-212, 18014-112, 19038-112 and 19042-112; Oracle Nos. 16154, 15612, 18620, 17995, 18625, 18630, 16146 and 18619)

COST/FUNDING/ASSESSMENT INFORMATION: A portion of this funding has been previously appropriated in the Multimodal Impact Fees Capital Improvement Fund (3071), Complete Streets FY 2022 Project (18625), the Downtown Intersection & Pedestrian Facilities FY 2022 Project (18620), the Downtown Intersection & Pedestrian Facilities FY 2021 Project (17995), the City Trails - Multi-Use Trails FY 2022 Project (18630) and the Traffic Safety Program FY 2022 Project (18619) and in the Citywide Infrastructure Capital Improvement Fund (3027), Innovation District Imps FY18 (16154) and the Complete Streets FY18 Project (16146). Additional funding will be available after the approval of a transfer in the amount of \$160,000 from the unappropriated balance of the Bayboro Harbor Tax Increment District Fund (1106) to the Tax Increment Financing Capital Improvement Fund (3005) and approving a supplemental appropriation in the amount of \$160,000 from the increase in the unappropriated balance of the Tax Increment Financing Capital Improvement Fund (3005), resulting from the above transfer, to the Innovation District Improvements Project (15612).

ATTACHMENTS: GMP Proposal
Resolution

RESOLUTION NO. 2023-_____

A RESOLUTION ACCEPTING A GUARANTEED MAXIMUM PRICE (“GMP”) PROPOSAL IN THE AMOUNT OF \$1,293,321.49 SUBMITTED BY BILTMORE CONSTRUCTION CO., INC. (“BILTMORE”) ON OCTOBER 19, 2023 FOR CONSTRUCTION PHASE SERVICES ASSOCIATED WITH STREETScape AND TRAFFIC CALMING IMPROVEMENTS AS PART OF THE ST PETE INNOVATION DISTRICT STREETScape, 7TH STREET AND 2ND/3RD AVENUE S – NEW MEDIANS, AND MEDIAN SEPARATOR – 37TH ST AND 38TH AVE S PROJECTS; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE FIRST AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK AGREEMENT WITH A GMP BETWEEN THE CITY OF ST. PETERSBURG, FLORIDA AND BILTMORE DATED OCTOBER 18, 2023 TO INCORPORATE THE GMP PROPOSAL INTO THE AGREEMENT AND MODIFY OTHER NECESSARY PROVISIONS; APPROVING A TRANSFER IN THE AMOUNT OF \$160,000 FROM THE UNAPPROPRIATED BALANCE OF THE BAYBORO HARBOR TAX INCREMENT DISTRICT FUND (1106) TO THE TAX INCREMENT FINANCING CAPITAL IMPROVEMENT FUND (3005); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$160,000 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE TAX INCREMENT FINANCING CAPITAL IMPROVEMENT FUND (3005), RESULTING FROM THE ABOVE TRANSFER, TO THE INNOVATION DISTRICT IMPROVEMENTS PROJECT (15612); AND PROVIDING AN EFFECTIVE DATE. (ECID PROJECT NOS. 17103-212, 18014-112, 19038-112 AND 19042-112; ORACLE NOS. 16154, 15612, 18620, 17995, 18625, 18630, 16146 AND 18619)

WHEREAS, on November 10, 2022, City Council (i) acknowledged the selection of two firms, including Biltmore Construction Co., Inc. (“Biltmore”), as the most qualified firms to provide construction manager at risk services on a continuing basis for Roadways, Structures, and Stormwater projects for the Engineering & Capital Improvements Department and (ii) authorized the Mayor or his designee to execute Construction Manager at Risk Agreements with a Guaranteed Maximum Price (“GMP”) between the City and those qualified firms, including Biltmore; and

WHEREAS, the City and Biltmore entered into a Construction Manager at Risk Agreement with a GMP on October 18, 2023 (“Agreement”) for Biltmore to provide preconstruction services for the St Pete Innovation District Streetscape, 7th Street and 2nd/3rd Avenue S – New

Medians, and Median Separator – 37th St and 38th Ave S projects (“Project”); and

WHEREAS, Administration authorized payment under the Agreement for preconstruction services in the amount of \$19,640; and

WHEREAS, in accordance with the requirements set forth in the Agreement, Biltmore has submitted to the City for review and acceptance a GMP proposal in the amount of \$1,293,321.49 (which includes a \$160,000 owner’s contingency) for construction phase services for the Project; and

WHEREAS, the City and Biltmore desire to execute the First Amendment to the Agreement to incorporate the GMP proposal into the Agreement and modify other necessary provisions; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that a guaranteed maximum price (“GMP”) proposal dated October 19, 2023 in the amount of \$1,293,321.49 submitted by Biltmore for construction phase services for the St. Pete Innovation District Streetscape, 7th Street and 2nd/3rd Avenue S – New Medians, and Median Separator – 37th St and 38th Ave S projects is hereby accepted.

BE IT FURTHER RESOLVED that the Mayor or his designee is authorized to execute the First Amendment to the Construction Manager at Risk agreement with a GMP between the City of St. Petersburg, Florida and Biltmore dated October 18, 2023 to incorporate the GMP proposal into the agreement and modify other necessary provisions.

BE IT FURTHER RESOLVED that there is hereby approved the following transfer:

Bayboro Harbor Tax Increment District Fund (1106)

Transfer to: Tax Increment Financing Capital Improvement Fund (3005) \$160,000

BE IT FURTHER RESOLVED that there is hereby approved from the increase in the unappropriated balance of the Tax Increment Financing Capital Improvement Fund (3005), resulting from the above transfer, the following supplemental appropriation for fiscal year 2024:

Tax Increment Financing Capital Improvement Fund (3005)

Innovation District Improvements Project (15612) \$160,000

This Resolution shall become effective immediately upon its adoption.

LEGAL:


00709447

DEPARTMENT:



BUDGET:

