

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of July 13, 2023

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

SUBJECT: Accepting a guaranteed maximum price (“GMP”) proposal in the amount of \$761,010 from WJCreate LLC (“CMAR”) for construction phase services for the new Sunken Gardens Husbandry Building Project; authorizing the Mayor or his designee to execute the First Amendment to the Construction Manager At Risk Agreement with a Guaranteed Maximum Price (“GMP”) between the City of St. Petersburg, Florida and CMAR, dated December 21, 2022 (“Agreement”), to incorporate the GMP Proposal into the agreement and modify other necessary provisions; authorizing the City Attorney’s office to make non-substantive changes to the first amendment; rescinding an unencumbered appropriation in the Recreation and Culture Capital Improvement Fund (3029) in the amount of \$220,000 from the SG South Gate Perimeter Wall Project (19160); approving a supplemental appropriation in the amount of \$220,000 from the increase in the unappropriated balance of the Recreation and Culture Capital Improvement Fund (3029), resulting from the above rescission, to the Sunken Gardens Entrance Improvements Project (ECID Project No. 21209-019; Oracle No. 16720); approving a transfer in the amount of \$325,587 from the unappropriated balance of the Sunken Gardens Operating Fund (1207) to the General Capital Improvement Fund (3001); approving a supplemental appropriation in the amount of \$325,587 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from the above transfer, to the Sunken Gardens Entrance Improvements Project (ECID Project No. 21209-019; Oracle No. 16720) to provide funding for the GMP proposal and other project-related costs; and providing an effective date.

EXPLANATION: On September 8, 2022, City Council acknowledged the selection of five CMAR firms for the CMAR Continuing Services for City Facilities, 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 as executed with each firm establishing the terms and conditions of the continuing services CMAR Agreement.

On February 28, 2023, the Engineering and Capital Improvements Department (“ECID”) administratively approved the AIA Document A133 – 2019 and AIA Document A201-2017 with WJCreate LLC, for pre-construction services including the review of bid plans, site visits, and bidding services in the amount of \$5,000.

The new 1,200 square foot Sunken Gardens Husbandry Building will house and care for the Garden’s extensive bird collection. The birds were previously housed in the 1940’s entrance building and subsequently relocated into the Turner House to make room for the History Center. This new animal care center is specifically designed to meet current zoological care standards and guidelines, including a food preparation kitchen, washable finishes, floor drains, and separate space for animals needing veterinary care. This ‘quarantine’ area will also allow the Gardens to safely bring new animals into the collection.

The structure also includes an employee restroom and a storage room. The building will be situated within the maintenance yard south of the gardens adjacent to the parking lot.

A \$31,152 Owner’s Contingency for unforeseen conditions is included in the GMP.

The Engineering and Capital Improvements Department recommends for award:

WJ Create \$761,010

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. WJCreate LLC is certified SBE with the City thus giving the project 100% SBE participation.

RECOMMENDATION: Administration recommends authorizing the Mayor or his designee to accept a guaranteed maximum price (“GMP”) proposal in the amount of \$761,010 from WJCreate LLC (“CMAR”) for construction phase services for the new Sunken Gardens Husbandry Building Project; authorizing the Mayor or his designee to execute the First Amendment to the Construction Manager At Risk Agreement with a Guaranteed Maximum Price (“GMP”) between the City of St. Petersburg, Florida and CMAR, dated December 21, 2022 (“Agreement”), to incorporate the GMP Proposal into the agreement and modify other necessary provisions; authorizing the City Attorney’s office to make non-substantive changes to the first amendment; rescinding an unencumbered appropriation in the Recreation and Culture Capital Improvement Fund (3029) in the amount of \$220,000 from the SG South Gate Perimeter Wall Project (19160); approving a supplemental appropriation in the amount of \$220,000 from the increase in the unappropriated balance of the Recreation and Culture Capital Improvement Fund (3029), resulting from the above rescission, to the Sunken Gardens Entrance Improvements Project (ECID Project No. 21209-019; Oracle No. 16720); approving a transfer in the amount of \$325,587 from the unappropriated balance of the Sunken Gardens Operating Fund (1207) to the General Capital Improvement Fund (3001); approving a supplemental appropriation in the amount of \$325,587 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from the above transfer, to the Sunken Gardens Entrance Improvements Project (ECID Project No. 21209-019; Oracle No. 16720) to provide funding for the GMP proposal and other project-related costs; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: A portion of the funding has been previously appropriated in the General Capital Improvement Fund (3001) in the Sunken Gardens Entrance Improvements Project (16720). Additional funding will be available after the approval of a rescission of an unencumbered appropriation in the Recreation and Culture Capital Improvement Fund (3029) in the amount of \$220,000 from the SG South Gate Perimeter Wall Project (19160); a supplemental appropriation in the amount of \$220,000 from the increase in the unappropriated balance of the Recreation and Culture Capital Improvement Fund (3029), resulting from the above rescission, to the Sunken Gardens Entrance Improvements Project (ECID Project No. 21209-019; Oracle No. 16720); a transfer in the amount of \$325,587 from the unappropriated balance of the Sunken Gardens Operating Fund (1207) to the General Capital Improvement Fund (3001); and a supplemental appropriation in the amount of \$325,587 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from the above transfer, to the Sunken Gardens Entrance Improvements Project (ECID Project No. 21209-019; Oracle No. 16720) to provide funding for the GMP and other project related costs.

ATTACHMENTS: GMP Proposal
Resolution

RESOLUTION NO. 2023-_____

A RESOLUTION ACCEPTING A GUARANTEED MAXIMUM PRICE (“GMP”) PROPOSAL IN THE AMOUNT OF \$761,010 FROM WJCREATE LLC (“CMAR”) FOR CONSTRUCTION PHASE SERVICES FOR THE NEW SUNKEN GARDENS HUSBANDRY BUILDING PROJECT; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE FIRST AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK AGREEMENT WITH A GUARANTEED MAXIMUM PRICE (“GMP”) BETWEEN THE CITY OF ST. PETERSBURG, FLORIDA AND CMAR, DATED DECEMBER 21, 2022 (“AGREEMENT”), TO INCORPORATE THE GMP PROPOSAL INTO THE AGREEMENT AND MODIFY OTHER NECESSARY PROVISIONS; AUTHORIZING THE CITY ATTORNEY’S OFFICE TO MAKE NON-SUBSTANTICE CHANGES TO THE FIRST AMENDMENT; RESCINDING AN UNENCUMBERED APPROPRIATION IN THE RECREATION AND CULTURE CAPITAL IMPROVEMENT FUND (3029) IN THE AMOUNT OF \$220,000 FROM THE SG SOUTH GATE PERIMETER WALL PROJECT (19160); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$220,000 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE RECREATION AND CULTURE CAPITAL IMPROVEMENT FUND (3029), RESULTING FROM THE ABOVE RESCISSION, TO THE SUNKEN GARDENS ENTRANCE IMPROVEMENTS PROJECT (ECID PROJECT NO. 21209-019; ORACLE NO. 16720); APPROVING A TRANSFER IN THE AMOUNT OF \$325,587 FROM THE UNAPPROPRIATED BALANCE OF THE SUNKEN GARDENS OPERATING FUND (1207) TO THE GENERAL CAPITAL IMPROVEMENT FUND (3001); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$325,587 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE GENERAL CAPITAL IMPROVEMENT FUND (3001), RESULTING FROM THE ABOVE TRANSFER, TO THE SUNKEN GARDENS ENTRANCE IMPROVEMENTS PROJECT (ECID PROJECT NO. 21209-019; ORACLE NO. 16720) TO PROVIDE FUNDING FOR THE GMP PROPOSAL AND OTHER PROJECT-RELATED COSTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 8, 2022, City Council (i) acknowledged the selection of five firms, including WJCreate LLC, as the most qualified firms to provide construction manager at risk services on a continuing basis for City facilities 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 between the City and those qualified firms, including WJCreate LLC; and

WHEREAS, the City and WJCreate LLC (“CMAR”) entered into a Construction Manager at Risk Agreement with a Guaranteed Maximum Price (“GMP”) on December 21, 2022 (“Agreement”) for CMAR to provide preconstruction and construction phase services for the Sunken Gardens Husbandry Building project (“Project”); and

WHEREAS, Administration authorized payment under the Agreement for preconstruction services, including the review of bid plans, site visits, and bidding services, in the amount of \$5,000; and

WHEREAS, in accordance with the requirements set forth in the Agreement, CMAR has submitted to the City for review and acceptance a GMP proposal in the amount of \$761,010 (which includes a \$31,152 owner’s contingency) for construction phase services for the Project; and

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

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the guaranteed maximum price (“GMP”) proposal in the amount of \$761,010 from WJCreate LLC (“CMAR”) for construction phase services for the Sunken Gardens Husbandry Building project 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 Guaranteed Maximum Price (“GMP”) between the City of St. Petersburg, Florida and CMAR dated December 21, 2022 (“Agreement”) to incorporate the GMP proposal into the Agreement and modify other necessary provisions.

BE IT FURTHER RESOLVED that the City Attorney’s Office is authorized to make non-substantive changes to the First Amendment.

BE IT FURTHER RESOLVED that an unencumbered appropriation in the Recreation and Culture Capital Improvement Fund (3029) in the amount of \$220,000 from the SG South Gate Perimeter Wall project (19160) is hereby rescinded.

BE IT FURTHER RESOLVED that there is hereby approved from the increase in

the unappropriated balance of the Recreation and Culture Capital Improvement Fund (3029), resulting from the above rescission, the following supplemental appropriation for FY23:

<u>Recreation and Culture Capital Improvement Fund (3029)</u>	
Sunken Gardens Entrance Improvements Project (16720)	\$220,000

BE IT FURTHER RESOLVED that there is hereby approved from the unappropriated balance of the Sunken Gardens Operating Fund (1207) the following transfer for FY23:

<u>Sunken Gardens Operating Fund (1207)</u>	
Transfer to: General Capital Improvement Fund (3001)	\$325,587

BE IT FURTHER RESOLVED that there is hereby approved from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from the above transfer, the following supplemental appropriation from FY23 to provide funding for the GMP proposal and other project-related costs:

<u>General Capital Improvement Fund (3001)</u>	
Sunken Gardens Entrance Improvements Project (16720)	\$325,587

This Resolution shall become effective immediately upon its adoption.

LEGAL:

Sharon Michmanicy
00686243

DEPARTMENT:

Brijesh Prayman

BUDGET:

E. Makofske