

## ST. PETERSBURG CITY COUNCIL

### Consent Agenda

Meeting of July 20, 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 \$314,306 submitted by Biltmore Construction Co. Inc. (“Biltmore”) on June 23, 2023 for construction phase services for Stormwater Lift Station No. 1 related to the Stormwater Lift Station Rehabilitation Project; 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 April 13, 2023 to incorporate the GMP proposal into the Agreement and modify other necessary provisions; approving a rescission of an unencumbered appropriation in the Stormwater Drainage Capital Projects Fund (4013) in the amount of \$122,000 from the 1st Ave N at 58th St SDI FY 2021 Project (17984); approving a supplemental appropriation in the amount of \$422,000 from the unappropriated balance of the Stormwater Drainage Capital Projects Fund (4013), partially resulting from the above rescission, to the Stormwater Pump Stations FY 2022 Project (18591) to provide for the necessary funding for the GMP, engineering project management costs, contingency and other soft costs; and providing an effective date. (ECID Project No. 20042-110; Oracle Project No. 18591)

**EXPLANATION:** *The City initiated this project aimed at rehabilitating an existing City owned and operated Stormwater duplex lift station; located at Macoma Dr. NE; by performing needed mechanical repairs, including the replacement in kind of pumps, associated piping, and other components which are at the end of their useful life, thus restoring this facility to its design capacity.*

On November 10, 2022, City Council acknowledged the selection of two CMAR firms for the CMAR Continuing Services for Roadway, 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 as 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 April 13, 2023, the Engineering and Capital Improvements Department (“ECID”) administratively approved the AIA Document A133 – 2019 and AIA Document A201-2017 with Biltmore Construction Co. Inc., (“Biltmore”) for pre-construction services including the review of as-builts, site visits, and meetings with staff in the amount of \$6,430.

CMAR will provide construction services in support of the city’s maintenance staff replacement of two existing pumps and associated piping which include: sheet piling placement and removal, temporary bypass pump(s) necessary to control pond overflow, sump pit draining and cleaning, rework of metal filter screen, electrical hook-up of new pumps and site restoration. Work shall commence upon the City Council’s approval of GMP Proposal No. 1 and the issuance of a Notice to Proceed. The GMP Proposal No. 1 includes the Cost of the Work plus the Construction Manager’s Fee along with a City contingency amount for unforeseen conditions.

A \$20,000 Owner's Contingency for unforeseen conditions is included in the GMP.

The Engineering and Capital Improvements Department recommends for award:

Biltmore Construction Co., Inc. .... \$314,306

City Code 2-234, Small Business Enterprise Assistance Program, requires a goal to be assigned to all construction projects of over \$50,000. This SBE participation goal for this project will be 60%.

A supplemental appropriation is required to provide for the necessary funding for the GMP, engineering project management costs, contingency and other soft costs.

**RECOMMENDATION:** Administration recommends authorizing the Mayor or his designee to execute a resolution accepting a guaranteed maximum price ("GMP") proposal in the amount of \$314,306 submitted by Biltmore Construction Co. Inc. ("Biltmore") on June 23, 2023 for construction phase services for Stormwater Lift Station No. 1 related to the Stormwater Lift Station Rehabilitation Project; 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 April 13, 2023 to incorporate the GMP proposal into the Agreement and modify other necessary provisions; approving a rescission of an unencumbered appropriation in the Stormwater Drainage Capital Projects Fund (4013) in the amount of \$122,000 from the 1st Ave N at 58th St SDI FY 2021 Project (17984); approving a supplemental appropriation in the amount of \$422,000 from the unappropriated balance of the Stormwater Drainage Capital Projects Fund (4013), partially resulting from the above rescission, to the Stormwater Pump Stations FY 2022 Project (18591) to provide for the necessary funding for the GMP, engineering project management costs, contingency and other soft costs; and providing an effective date. (ECID Project No. 20042-110; Oracle Project No. 18591)

**COST/FUNDING/ASSESSMENT INFORMATION:** Funds will be available after the approval of a rescission of an unencumbered appropriation in the Stormwater Drainage Capital Projects Fund (4013) in the amount of \$122,000 from the 1st Ave N at 58th St SDI FY 2021 Project (17984) and a supplemental appropriation in the amount of \$422,000 from the unappropriated balance of the Stormwater Drainage Capital Projects Fund (4013) partially resulting from the above rescission, to the Stormwater Pump Stations FY 2022 Project (18591).

**ATTACHMENTS:** Resolution  
GMP Proposal  
Map

RESOLUTION NO. 2023-\_\_\_\_

A RESOLUTION ACCEPTING A GUARANTEED MAXIMUM PRICE “GMP” PROPOSAL IN THE AMOUNT OF \$314,306 SUBMITTED BY BILTMORE CONSTRUCTION CO. INC. (“BILTMORE”) ON JUNE 23, 2023 FOR CONSTRUCTION PHASE SERVICES FOR STORMWATER LIFT STATION NO. 1 RELATED TO THE STORMWATER LIFT STATION REHABILITATION PROJECT; 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 APRIL 13, 2023 TO INCORPORATE THE GMP PROPOSAL INTO THE AGREEMENT AND MODIFY OTHER NECESSARY PROVISIONS; APPROVING A RECISSION OF AN UNENCUMBERED APPROPRIATION IN THE STORMWATER DRAINAGE CAPITAL PROJECTS FUND (4013) IN THE AMOUNT OF \$122,000 FROM THE 1<sup>ST</sup> AVE N AT 58<sup>TH</sup> ST SDI FY 2021 PROJECT (17984); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$422,000 FROM THE UNAPPROPRIATED BALANCE OF THE STORMWATER DRAINAGE CAPITAL PROJECTS FUND (4013), PARTIALLY RESULTING FROM THE ABOVE RECISSION, TO THE STORMWATER PUMP STATIONS FY 2022 PROJECT (18591) TO PROVIDE FOR THE NECESSARY FUNDING FOR THE GMP, ENGINEERING PROJECT MANAGEMENT COSTS, CONTINGENCY AND OTHER SOFT COSTS; AND PROVIDING AN EFFECTIVE DATE. (ECID PROJECT NO. 20042-110; ORACLE PROJECT NO. 18591)

WHEREAS, on November 10, 2022, City Council (i) acknowledged the selection of five firms, including Biltmore Construction Co. Inc. (“Biltmore”), as the most qualified firms to provide construction manager at risk services on a continuing basis for Roadway, Structures & 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 Construction Co. Inc.; and

WHEREAS, the City and Biltmore entered into a Construction Manager at Risk Agreement with a GMP on April 13, 2023 (“Agreement”) for Biltmore to provide preconstruction and construction phase services for the Stormwater Lift Station Rehabilitation Project (“Project”); and

WHEREAS, Administration authorized payment under the Agreement for preconstruction services, including review of as-builts, site visits, and meetings with staff in the amount of \$6,430; 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 \$314,306 (which includes a \$20,000 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.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that a guaranteed maximum price ("GMP") proposal in the amount of \$314,306 submitted by Biltmore Construction Co. Inc. ("Biltmore") on June 23, 2023 for construction phase services for Stormwater Lift Station No. 1 related to the Stormwater Lift Station Rehabilitation 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 GMP between the City of St. Petersburg, Florida and Biltmore, dated April 13, 2023 to incorporate the GMP proposal into the agreement and modify other necessary provisions

BE IT FURTHER RESOLVED that the unencumbered appropriation in the Stormwater Drainage Capital Projects Fund (4013) in the amount of \$122,000 from the 1<sup>st</sup> Ave N at 58<sup>th</sup> St SDI FY2021 Project (17984) is hereby rescinded.

BE IT FURTHER RESOLVED that there is hereby approved from the increase in the unappropriated balance of the Stormwater Drainage Capital Projects Fund (4013), partially resulting from the above rescission, the following supplemental appropriation for FY23:

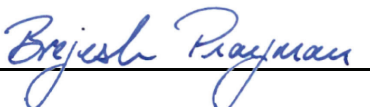
<u>General Capital Improvement Fund (4013)</u>	
Stormwater Pump Stations FY2022 Project (18591)	\$422,000

This Resolution shall become effective immediately upon its adoption.

LEGAL:

  
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DEPARTMENT:

  
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BUDGET:

  
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