



City Planning & Development Department

Development Services

Land Development Division

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www.kcmo.org/codes

Date: 6/22/2010
To: Troy Schulte, Acting City Manager
From: *Dion* Dion Waldon, City Planning and Development Dept., Land Development Division Manager
Re: Request for Waiver per Municipal Code Section 2-1585 (f) and (g)
Project: N.E. 104th St. Street Improvement at N. Huttig Ave., Clay County, MO

The Land Development Division of the City Planning and Development Department recommends that the Acting City Manager determine it is in the City's best interest to enter into a cooperative agreement with BPI Midwest, LLC, pursuant to City Code section 2-1585(c)(3) for the construction of public street improvements on N.E. 104th Street at N. Huttig Avenue.

It is further recommended that the City Manager determine that it is in the City's best interest to waive the solicitation requirements of that agreement and allow BPI Midwest, LLC, to enter into a contract with Siteworks Inc. pursuant to City Code section 2-1585(b).

BPI Midwest is currently developing Amber Lakes Fourth Plat adjacent to the needed road improvements. LDD is recommending that the City work cooperatively with BPI and its contractor to construct this improvement so it can be completed concurrently with the development project by the end of the year.

In support of this recommendation, LDD is providing the following information pursuant to sections 2-1585(f) and (g).

Section 2-1585 (f):

(1) The Needs of the City

N.E. 104th St. is classified as a secondary arterial street and, as such, it is the City's responsibility to improve this roadway using Arterial Impact Fees. N.E. 104th St. is a critical connection from Cookingham Dr. to Hwy A and will experience a significant increase in traffic when the Liberty School District opens its new high school this fall. The new school will serve as a staging area for school bus circulation and N.E. 104th will become an important link in these bus routes. The current roadway does not provide adequate pavement width for two-way bus traffic, has steep drop-offs at the edge of pavement and a vertical alignment that does not provide safe sight distance. The improvement of N.E. 104th St. is also critical to the ongoing development of the next phase of the Amber Lakes development on the south side of and adjacent to the N.E. 104th St. project.

(2) Time Requirements for the Project and Potential Time Saving Strategies

The opening of Liberty's new high school this fall combined with the inadequacy of the existing roadway make the completion of this project imperative during this construction season. By entering into a public/private agreement with a private developer for a design/build project, the start of construction can be accelerated significantly.

(3) The Complexity of the Project

This roadway improvement project has complexities associated with both its design and construction that can be reduced significantly if both the roadway and subdivision projects occur together. It is critical that these projects occur simultaneously in order to minimize additional expenses for retaining walls, storm sewers and grading. The design of the N.E. 104th St. improvements is integral to the design of the private development to obtain optimal cost efficiency.

(4) Estimated Project Costs

This is a quantity-based unit price project. Final design and construction conditions will determine the actual final construction cost, not to exceed \$275,000, which includes contingencies.

(5) Cost Savings to the City

This developer has begun construction of the next phase of the Amber Lakes development on the south side of N.E. 104th St. Preliminary pricing for the N.E. 104th St. project is comparable to the private development unit prices received for the subdivision project. By expanding the developer's project to include the N.E. 104th St. quantities it is virtually guaranteed that this project will also receive comparable private sector pricing. By combining the two projects, the benefits of the expanded economies of scale will result in significant cost savings and will eliminate the possibility of different contractors working on two projects in the immediate vicinity of each other at the same time.

(6) Private Investment and Financial Contributions that Could be Leveraged to Complete the Project

The developer, who is simultaneously developing the adjacent private residential project, has committed approximately \$825,000 of private money for infrastructure improvements for the adjacent subdivision which will have a positive impact on the unit prices for the N.E. 104th St. project, given the relatively small quantities involved in our project. The developer has also indicated a willingness to make advance payment of all Arterial Impact Fees for the proposed residential development to pay his engineer for design and construction management services for this project.

(7) The Likelihood that an Alternative Procurement Method will Diminish Competition for City Contracts

The likelihood that the use of this alternative procurement will diminish competition for City contracts is minimal. Future construction contracts for capital improvements can continue to utilize standard procurement procedures, but the urgency of this improvement lends itself to these expedited procurement measures.

(8) Any Other Factor the City Manager Deems in the City's Best Interest

The unique development situation warrants the cost/time savings of a sole source agreement.

Section 2-1585 (g):

(1) The Cost Submitted or Proposed by the Contractor

The developer has received preliminary bids from the general contractor, Siteworks, Inc. The contractor's bid totals \$194,946.00 (\$319,843.00 including some alternate work) showing that all work is very close in price to similar work estimated for the adjacent development. The City's impact fee district C advisory committee allocated the remaining balance of \$275,000 from the arterial street impact fee funds for these N.E. 104th St. safety improvements. Given that the proposed bid is substantially less than the \$275,000 in available funds, the City is assured that it will be able to accomplish the primary objective of this much needed public street improvement which is to lower the street grades and a very sharp road crest and to provide adequate pavement width and sight distance at the intersection of future Huttig Ave. Further review and negotiations will be taking place with the developer and the contractors in an attempt to maximize full utilization of the \$275,000 towards other needed maintenance repairs and improvements to the existing storm structures in the vicinity of the improvement, not to exceed \$275,000. Attached is a copy of the proposed bid listing four component sums identified as:

1. Base Bid – Clear and grub, grading, erosion control measures - \$69,242.00
2. Hendren – Local property owner who will be affected by the improvements including a temporary gravel drive during construction and a new, permanent concrete drive after construction is complete, fence and tree removal and replacement, seed/sod - \$42,233.00
3. Asphalt - \$83,471.00

Total = \$194,946.00

+ Rock Contingency (Add 1) - \$20.00/CY

+15% Contingency - \$29,242

+Permit Fees - \$18,842

Grand Total = \$243,030.00 (approximate negotiated bid amount)

4. Alternate – RCB replacement, headwall, wingwalls, turf mat reinforcement, demolition of existing stacked stone culvert - \$124,897.00

Total - \$319,843.00 (which cannot be fully completed in its current form bid proposal due to available funding – further negotiations on materials and cost scope will take place occur to see which portions can be brought in under the \$275,000.00 funding amount)

The developer's designated contractors are:

Site Works Inc. – General Contractor

Larry Brown Excavating – Grading Contractor/Misc Demo

Holthouse Construction – Utility/Storm Sewer/Conc Box

Superior Bowen – Asphalt/Curb

Earthscapes – Sod/Landscape/Erosion Control

Action Concrete – Conc Drive

Westland Plumbing – Water Service

(2) The Reputation of the Contractor

The general contractor has an excellent reputation and has selected the designated subcontractors as they each specialize in the area for which they will be retained. Each is

well-versed on the City standards and building codes and each has participated in numerous similar projects.

(3) **The Quality of the Contractor's Good or Services**

This selection of the general and subcontractors is based on their background, capabilities and a demonstrated ability to integrate both project scopes in a timely and cost effective manner. They have demonstrated their abilities on similar public infrastructure projects.

(4) **Previous Relevant Experience and Technical Capabilities of the Contractor**

The selection of each contractor was based on their proven ability to perform the work. Each has demonstrated a history of success on similar type and size projects with extensive construction experience including knowledge of construction components and scheduling. These contractors combined have constructed millions of dollars of public infrastructure that has been accepted by the City.

(5) **The Extent to which the Contractors Goods and Services Meet the City's Needs**

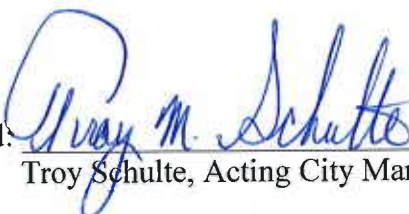
The designated contractors have each indicated a willingness to assist the City in fulfilling this street improvement obligation with the allocated funding in an effort to insure that the future intersection of N.E. 104th St. and N. Huttig Ave. will offer acceptable sight distance for motorists, which is a critical and immediate need for this project's safety and the general safety and welfare of the of motorists who use this road.

(6) **The Contractor's Past Relationship with the City**

The selected contractors have each done projects with and for the City. They are each highly specialized and have maintained a good relationship with the City.

(7) **The Contractors Ability to Comply with the Procedures and Requirements Set Forth in chapter 38, Code of Ordinances**

The selected contractors will be expected to fully comply with all provisions of the Cooperative Agreement that has been prepared for this improvement and to indicate their willingness to complete the project promptly and within the allocated budget.

Approved: 
Troy Schulte, Acting City Manager

Date: 6-22-10

Amber Lakes Fourth Plat 104th Street Improvements

Sitework page 1 of 2

We hereby submit specifications and estimates for:

- Base Bid** Clear and remove approximately 1.75 acres existing trees and brush
Spoils from this scope of work to staged on Amber Lakes 4th Plat for grinding with disposal on site
- * Machine excavate and remove existing asphalt pavement and residential driveway
Spoils from this scope of work to be removed from site
 - * Strip vegetation and topsoil from controlled fill areas (6 inches max.)
All material from stripping to be used in on site fills
 - * Make all proposed cuts and fills
Estimated quantities do not match engineers estimates
Owner to provide disposal site on Amber Lakes 4th Plat
All material to be moved with off road construction equipment
Any handling of excess material requiring use of dump truck or export to other sites is excluded
 - * Fine grading to +/- .1 foot (one-tenth) for all areas receiving concrete and asphalt
 - * Site grading to +/- .5 foot (one-half) for all landscape areas
 - * Install 950 LF silt fence, one time only, no maintenance
 - * Install 8 EA staked straw bale ditch checks one time only, no maintenance
 - * Install 300 SY Landlock 450 or equal, one time only, no maintenance
 - * Install approximately 2.5 acres *hydroseeding*, one time only, no maintenance
Supply and place K-31 Fescue seed mix 300 lbs per acre
Supply and place 18-24-12 fertilizer 150 lbs per acre
Supply and place hydromulch 2000 lbs per acre
- Hendron** Work associated with temporary and permanent driveway construction and new water service
Remove and replace approximately 180 LF existing chain link fencing
Replacement with 4 FT galvanized chain link fencing
Relocate existing farm gate approximately 75 FT to west and close break in farm fence
Spoils from asphalt demolition are used as material for temporary driveway
Remove 6 EA additional trees marked as Remove and Replace
Install 6 EA, 2" Caliper Red Maple Trees, one time only, no maintenance
Construct new concrete driveway with 15" CMP and concrete flumes
Install 175 LF 3/4" Copper residential service water line, 2" pvc conduit sleeve under 104th St.
Demolition of existing cistern top and backfill with aggregate material
Supply and place 3889 SY fescue sod, maintenance and watering is excluded
- Asphalt** Install 2919 SY 8" Asphalt pavement 104th Street with milled headers
Price based on Liquid AC 64-22 and a price of \$500/ Liquid Ton
The price will be adjusted up or down based on suppliers firm pricing for the month of installation
Adjustment Factor = \$0.09 SY based on \$10 Liquid Asphalt cost differential
Final payment to be based on actual completed quantities and adjusted unit prices
All work to be completed in the 2010 construction season
Any work between November 1 and March 31 will be subject to additional charges
- Alternate** Additional cost associated with the demolition and replacement of existing box culvert
Includes additional .25 Acre clearing of existing trees and brush
Includes additional excavation and grading
Demolition of existing stone box culvert spoils to be removed from site
Install 87 LF 8' X 6' Box Culvert
Install 110 Yards Gabion Baskets
Install 2 EA concrete headwalls
Install 46 LF concrete encasement
Install 1946 SF non-grouted rip rap
Rock excavation \$35.00 CY / Hoe ram \$225.00 Hour / Pre-blast survey is extra at actual cost
Install additional .5 Acre seedling
Install additional 420 SY Landlock 450 or equal
All inclusions and exclusions of base bid apply
- Bonds** Bonds for work within KCMO right-of-way
Bonds based upon subcontractor pricing and is subject to change based upon KCMO engineers estimates
- Unit 1** Additional cost to machine excavate (mass) 1 CY rock
- Note** KCMO permits, traffic control, road closure, or any scope of work not specifically included is excluded from this proposal
All layout, as-builts and other engineering to be provided by Lutjen

ACCEPTANCE OF PROPOSAL: The prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature: _____ Date: _____

Siteworks, Inc.
2112 Kara Court
Liberty, Mo. 64068
(816)415-4386

BID PROPOSAL

6/17/2010

Amber Lakes Fourth Plat 104th Street Improvements

Sitework page 2 of 2

Excluded from bid:

- * Any location, relocation, demolition, or disconnection of existing utilities
- * Any handwork or maintenance required in preservation of existing trees
- * Any layout, testing, as-builts drawings or other engineering services
- * Any excavation of rock
- * Any handling of hazardous materials
- * Any excavation or backfill of modular retaining walls
- * Any installation of scour stop or Armorfex ground stabilization
- * Any undercutting of subgrade where unsuitable material exists
- * Any conditioning or stabilization of subgrade
- * Any export or import of material unless noted above
- * Any export or handling of spoils from other trades
- * Any silt fence, straw bales, seeding, mulching, or other erosion controls unless noted above
- * Any saw cutting of pavement, slabs or foundation footers
- * Any traffic control, street closing or associated permits and fees
- * Any permits

We propose hereby to furnish material and labor - complete in accordance with these specifications,
for the sum of:

Base Bid	<u>Sixty-nine Thousand Two Hundred Forty-two and no/100.....</u> dollars	\$69,242.00	LS
Hendron	<u>Forty-two Thousand Two Hundred Thirty-three and no/100.....</u> dollars	\$42,233.00	LS
Asphalt	<u>Eighty-three Thousand Four Hundred Seventy-one and no/100.....</u> dollars	\$83,471.00	LS
Alternate	<u>One Hundred Twenty -four Thousand Eight Hundred Ninety-seven and no/100.....</u> dollars	\$124,897.00	LS
Add 1	<u>Twenty and no/100.....</u> dollars	\$20.00	CY

Payment terms: Monthly estimates. In full upon completion

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any variation or deviation from above specifications involving extra costs, will become an extra charge over and above the estimate. Any extras will be completed at normal hourly rates. These hourly rates will be submitted upon request. All agreements, contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized

Signature: 

NOTE: This proposal may be withdrawn if not accepted by: 17-Jul-10

NOTICE TO OWNER

FAILURE OF THIS CONTRACTOR TO PAY THOSE PERSONS SUPPLYING MATERIAL OR SERVICES TO COMPLETE THIS CONTRACT CAN RESULT IN THE FILING OF A MECHANIC'S LIEN ON THE PROPERTY WHICH IS THE SUBJECT OF THIS CONTRACT PURSUANT TO CHAPTER 429, RSMo. TO AVOID THIS RESULT YOU MAY ASK THIS CONTRACTOR FOR "LIEN WAIVERS" FROM ALL PERSONS SUPPLYING MATERIAL OR SERVICES FOR THE WORK DESCRIBED IN THIS CONTRACT. FAILURE TO SECURE LIEN WAIVERS MAY RESULT IN YOUR PAYING FOR LABOR AND MATERIAL TWICE. ALL PAYMENTS CONSTITUTE SCHEDULE PAYMENTS UNDER SECTION 431.180 RSMo.

If this Agreement [proposal, contract, etc.] is given to an attorney for enforcement of its terms, including but not limited to collection of amounts due, or if amounts due hereunder are collected by suit or through any probate, bankruptcy or other legal proceedings, you agree to pay all expenses and costs, including but not limited to attorney's fees, incurred by Larry Brown Excavating, in such enforcement or collection. In the event all sums are not paid when due, all unpaid sums shall bear interest at the rate (18%) per annum until paid in full

ACCEPTANCE OF PROPOSAL: The prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature: _____

Date: _____