

**Town of Lyons, Colorado  
Board of Trustees  
BOT Agenda Cover Sheet  
Special Meeting Date: December 21, 2016**

**TO:** Mayor Sullivan and Members of Board of Trustees

**FROM:** Dave Cosgrove-Town of Lyons Director of Parks and Recreation and Sloane Nystrom-Town of Lyons, Parks Project Manager

**DATE:** December 20, 2016 (prepared for December 21, 2016 meeting)

**ITEM:** A RESOLUTION AWARDING THE BID FOR A PORTION OF THE BOHN PARK CONSTRUCTION PROJECT, PROJECT NUMBER PW: 20E-1, TO DEFALCO CONSTRUCTION COMPANY AND APPROVING A CONSTRUCTION AGREEMENT

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ORDINANCE  
 MOTION / RESOLUTION  
 INFORMATION

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I. **REQUEST OR ISSUE:** The Town of Lyons solicited proposals for the Bohn Park PW: 20E-1 project to construct and restore Bohn Park and its river features related to the September 2013 flood event.

Nine hundred and twelve companies received the full Request for Proposal through Rocky Mountain E-Purchase System on October 10, 2016. The companies receiving the RFP were mainly general construction companies. Five responsible bid proposals were received from construction companies on November 9, 2016. The five proposals received were from Krische, Mortenson, DeFalco, Taylor Kohrs and ECI Site Construction companies. After careful review of all the qualified bids received, the evaluation team recommends DeFalco Construction for this project. Please see attached recommendations from the project consultant teams of DHM Design and S2O Design and Engineering.

This project was posted on Rocky Mountain E-Purchase with separate bid schedules so that the town had the option of building the entire park or to award portions of the work based on various timelines of other flood recovery projects and available cash flow. Please see Bohn Park 2016 Flood Recovery Project Map included for reference and a description of Base Bid Item Number 1 and Bid Alternate Number 4 below. After discussions and review of the town's priorities and cash flow modeling it is being recommended by staff and consultants to award Base Bid 1 to complete the river restoration scope of work along and Bid Alternate 4 for the installation of the water line in Bohn Park.

**Base Bid Item No. 1: River and River Walk Improvements**

Base Bid Item 1 includes all work associated with the construction of the instream river improvements, the northern and southern overflow channels, ecological restoration, re-establishing a water supply with the drilling of a new well, pump and electrical supply,

temporary irrigation to the ecological restoration zones, river walk improvements including the trail, picnic areas, stone picnic area, ADA fishing access, elevated boardwalk, 4th Avenue bridge and abutments, gravel parking, paid parking/kiosks, utilities, water quality infrastructure and the custom restroom structure and related amenities including lighting, fencing, trash and trash enclosures, grills, etc.

Bid Alternate No. 4: Waterline Improvements

Bid Alternate No. 4 includes all work associated with the construction of the water line through Bohn Park as identified in the plans, funded by a separate funding source and required as part of the completion of the recovery work for the water distribution infrastructure for the Town through CDPHE funding with a June, 2017 deadline. This work will actually fulfill the requirements for three CDPHE funded projects that have a June 30, 2017 deadline. These projects include, 1. Completing connections for a water transmission line 2. Completing a redundant water line through Bohn Park and under the river-this is associated with another FEMA project scope PW1184. 3. Installing a check structure casing under the river near 2<sup>nd</sup> Ave Bridge.

The evaluation team has identified DeFalco Construction as the lowest qualified bidder providing the most comprehensive services in line with the criteria spelled out in the RFP, project manual, construction drawings and specifications. Town staff has worked with DeFalco Construction on another flood recovery project and is confident they can complete this work according to the town's needs.

This project is expected to begin in early January, 2016 to meet a substantial completion date of August 11, 2017 with a final completion of August 25. These dates have been adjusted from the bid documents and bid proposal. Originally, the final completion date was July 14, 2017. Based on the original start date outlined in the bid documents and the original construction schedule as outlined, DeFalco has requested a change in dates from the original bid. The project was originally scheduled to begin on December 1, 2016. Due to cash flow and timeline review by the Town regarding flood recovery project prioritization, this Project needed additional time for review and approval from the original anticipated start date and is now on a schedule to begin in mid-January. We have discussed the new timeline with DeFalco and feel that as long as the river work spelled out in the base bid 1 and associated water line work in bid alternate 4 is completed prior to spring runoff, the rest of the construction could meet the newly adjusted timeline.

Another important item of note that has just been brought to staff's attention pertains directly to the Northern Overflow Channel on the Stacey Parcel. This portion of the river restoration was incorporated into the design from the 50% to the 90% stage and sent to FEMA for approval as part of the PAAP versioning documents in April of 2016. In October of 2016 representatives from FEMA were on-site and gave the town the verbal approval to move forward with this overflow channel as part of Bohn Park as was depicted in the plans. Staff continued to move forward with the project based on this process as outlined and associated meeting notes. We have requested written approval for this work and after following up again have just very recently been given conflicting information from the state and told not to move forward with this work until FEMA approves it officially. The town has included the design for the overflow channel into the project under the assumption it was or nearing approval, because it is critical for the floodplain development permit and to help reduce the base flood elevations to decrease flood hazard within the park. In addition, if it were not to be constructed, the hydraulic modeling will need to be redone and the floodplain development permit will need to be amended. Please see the attached e-mail

from the town to the state regarding the over flow channel. Fortunately, this work does not have to be completed by the time spring runoff starts. Additionally, we do get the sense that FEMA will approve this version. If FEMA were for some reason not to approve, the town could version this feature out and still complete the work to a functional level in order to meet the permitting requirements under a separate funding source or even in-house. This work can possibly be completed under another funding source or with town staff if necessary but we are requesting this approval from FEMA so we can complete this work with the awarded contractor.

#### Contingency

As is typical for construction projects such as this one, the Town has set aside contingency that is equal to ten percent (10%) of the total project value, which is in addition to the contract price and is reflected in the accompanying resolution. The purpose of the contingency is to set aside extra funds in case unforeseen circumstances arise that increase the total cost of the project. Should such unforeseen circumstances arise, a change order must be submitted and approved by the Town (according to the Construction Agreement and Town purchasing policies) and the Town must provide written notification to the contractor that funds exist to cover the change order before that additional money is spent. This requirement is included in the Construction Agreement.

#### Contract Attachments/Exhibits

The attached Construction Agreement does not include the Exhibits listed in Section 2.00 of the Construction Agreement. These attachments will be included with the Agreement prior to sending the contract to DeFalco for signature and prior to the Mayor's execution of the contract. One item of note from the original documents is that Section 2.00(4) ("Exhibit C") has been modified to delete reference to the Letter of Damage Guarantee (the "Letter"). Originally, the special provisions included in the bid package required the Letter. The Town's consultant, DHM Design, has confirmed that the Letter is not required for this Project and that the Letter was incorrectly referenced in the special provisions.

- II. **RECOMMENDED ACTION / NEXT STEP:** Recommendation and award of Base Bid 1 to restore the river and river walk improvements in Bohn Park for (\$4,076,486.18) with the opportunity to value engineer and reduce costs where possible and to award Bid Alternate 4 for the installation of the water line in Bohn Park for (\$260,597.03) to DeFalco Construction as the lowest qualified bidder. Authorization of staff enter into a contract with DeFalco Construction for a total of (\$4,337,083.21) to be reimbursed to the Town through multiple grant funds which include FEMA, Town Insurance, Colorado Parks and Wildlife, CDPHE and various other grant sources. The base bid will be funded by multiple grants but Bid Alternate 4 is a separate funding source and will be paid by a CDPHE grant.