

PORT ST. LUCIE CITY COUNCIL
AGENDA ITEM REQUEST

COUNCIL ITEM 7F
DATE 10/15/12

Meeting Date: October 15, 2012

Public Hearing Ordinance Resolution Motion

Item: Contract #20120058 Amendment #1 - Prineville Water Treatment Plant Site Upgrades

Recommended Action: Approval of Amendment #1 with Mancil's Tractor Service, Inc. for the Prineville Water Treatment Plant Site Upgrades in the amount of \$8,271.03 to add geotechnical and materials testing services as required for the construction upgrades. The new Contract amount is \$381,067.83. Contract period remains at one hundred fifty (150) calendar days for final completion as no additional calendar days are required for this Amendment.

Exhibits: Department memo attached [X] yes [] no

Summary Explanation/Background Information: This project was awarded to Mancil's Tractor Service, Inc. on September 10, 2012 in the amount of \$372,796.80. The project will soon be underway. Including this service into the Mancil's Tractor Service, Inc. contract will allow the City to move forward as scheduled. To go through the State's Consultants Competitive Negotiation Act (CCNA) would not be practical because it would delay the Contractor from being able to commence work due to the lengthy bidding process. Mancil's Tractor Service, Inc. proposes to use GFA International, Inc for the geotechnical and materials testing services in the amount of \$8,271.03. No additional calendar days will be required for this added service. Please see the attached Summary memo for additional information.

The Utility Department recommends approval of Amendment #1 with Mancil's Tractor Service, Inc.

Purchase is budgeted in the 444.

Expenditure: **\$8,271.03**

New Contract Amount: **\$381,067.83**

Department requests expenditure from the following:

Fund	444	2005 Bond Fund
Cost Center	1340	Utility Operations
Object Code	563000	Improvements O/T Building
Project	25508	Prineville Expansion PH I Admin II

Director of OMB concurs with award: 

City Manager concurs with award: 

Department requests -0- minutes to make a presentation.

Submitted by: Jesus Merejo

Date Submitted: 9/25/2012

Title: Utility Systems Director

RECEIVED
OCT 09 2012
City Manager's Office

CITY OF PORT ST. LUCIE CONTRACT AMENDMENT #1

Date: September 25, 2012

Contract # 20120058

Contract Title: Prineville Water Treatment Plant Site Upgrades

Contractor's Name: Mancil's Tractor Service, Inc.

Current Expiration: March 21, 2013

The following modifications to the terms and conditions are hereby incorporated and made a part of the Contract indicated above. All other terms and conditions of the original contract and/or Addenda are unchanged, with the exception that the City's performance and obligation to pay is contingent upon an annual appropriation by the City Council. The Contractor agrees that, in the event such appropriation is not forthcoming, the City may terminate this Contract and that no charges, penalties or other costs shall be assessed.

The following modifications are hereby incorporated and made a part of this Contract: To become effective when fully executed.

1. Include all necessary Material Testing Services as per the proposal from Mancil's Tractor Service, Inc. dated September 20, 2012 in the amount of \$8,271.03. No additional calendar days are required for this Amendment. GFA International, Inc. is named as the approved subcontractor for this service.
2. All other terms and conditions of the original contract and/or Addenda apply.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK

N WITNESS WHEREOF, the parties have executed this contract at Port St. Lucie Florida, the day and year first above written.

CITY OF PORT ST. LUCIE FLORIDA

By: _____
City Manager

ATTEST:

By: _____
City Clerk

By: _____
Authorized Representative of Mancil's Tractor Service, Inc.

State of: _____

County of: _____

Before me personally appeared: _____
(please print)

Please check one:

Personally known _____

Produced Identification: _____
(type of identification)

Identification No. _____

known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that _____ executed said instrument for the purposes therein expressed.
(he/she)

WITNESS my hand and official seal, this _____ day of _____, 2012.

Notary Signature

Notary Public-State of _____ at Large

My Commission Expires _____.

(seal)

INTEROFFICE MEMORANDUM

TO: Robyn Holder, Contract Specialist, Office of Management & Budget

FROM: Jesus Merejo, Utility Systems Director

SUBJECT: Prineville WTP Site Upgrades – Amendment #1

DATE: October 08, 2012

Background: The Prineville Water Treatment Plant Site Upgrades project that was approved by City Council and awarded to Mancil's Tractor Service, Inc. on September 10th will soon be underway. The work will include site drainage improvements, rebuilding the internal roadways, entrance/exit driveway improvements, and the replacement of an automated gate, i.e. Gate No. 5.

To protect the City's investment in this work, the services of a geotechnical engineer is required to verify that the Contractor's workmanship and materials are in compliance with the Contract documents.

Using an estimate that the project's construction cost would be less than \$325,000, the department originally planned to simply approach a geotechnical engineering firm with good experience with the City for a quote to provide these services. It should be noted that the state statute for the Consultant's Competitive Negotiation Act (CCNA) process allows this approach for projects with construction costs of \$325,000 or less.

The best value construction bid for this project came in at \$372,796.80 and the Utilities Department is not be able to pursue the quick and easy method of getting a quote from a local firm for this small and low cost geotechnical task as was originally planned. Alternatives are: 1) use the full CCNA process, or 2) amend Mancil's contract to include costs associated with them sub-contracting the geotechnical work out.

Justification for Amending Mancil's Contract: The timeline for a typical CCNA selection process can take as long as 90 days to complete, thus delaying the project. Furthermore, staff is concerned that if the City were to conduct the CCNA process for this small scope of work, engineering firms would likely not participate due to the considerable investment of time and cost for the possibility of such a small award. The City could go through the CCNA process and not achieve a better proposal than the one presently offered.

After discussing the procurement options with the Office of Management and Budget, it was agreed that adding the geotechnical services by Amendment to Mancil's Tractor Service, Inc.'s contract was a way to expedite bringing a geotech-

Robyn Holder
October 8, 2012

nical engineer into the project without significant delay to the project start date.

The OMB Director's October 8, 2012 memo to the City Manager is attached as further explanation and justification.

Amendment #1 Description: Mancil's Tractor Service, Inc. has proposed to encompass the necessary geotechnical and material testing services into their existing contract and will rely on GFA International, Inc. to perform those specialty services.

Cost: The additional cost for geotechnical testing services for this project is \$8,271.03.

Recommendation: The Utility Systems Department recommends approval of Amendment #1 to Mancil's Tractor Service, Inc. for a total increased cost of \$8,271.03. Doing so will raise Mancil's total Ccontract amount to \$381,067.83.

Funding: Funds to cover these services are available in 444-1340-563000-25508.

It is requested that that this proposal be presented to the City Council for approval at the next available City Council Meeting.

Attachments: OMB Director's memo, Amendment Form, and Back Up

c: Brad Macek, Assistant Director
Laney Southerly, P.E., Engineering Manager
Pierre Vignier, Superintendent Water Facility
Jeanette Thompson, Manager of Budget and Procurement
Donna Rhoden, Utility Safety & Public Affairs Mgr.
Richard M. Schoenborn, P.E., Utility Civil Engineer
File: 29.0005 Prineville WTP Site Upgrades

MEMORANDUM

To: Gregory J. Oravec, City Manager

From: David K. Pollard, CGFO, Director of OMB 

Date: October 8, 2012

Re: Geotechnical Services for the Prineville Water Treatment Plant project

The requested Amendment #1 for geotechnical services to the Mancil's Tractor Service, Inc. contract is unusual in that the project is not yet under way and the contract is requested to be amended. However this request is because staff is trying to not delay the project or incur additional overall costs. This proposal is the best business decision and benefits the City as well as the engineering firms in our local market.

Background

The Utility Department worked on the scope of this project for site improvements at the Prineville Water Treatment Plant. Using an estimate that the project's construction cost would be less than \$325,000, the department planned to simply approach a geotechnical engineering firm with good experience with the City for a quote to provide these services. The state statute for the CCNA process allows this approach.

After receiving the best value bid of \$372,796.80, the Utility staff would not be able to pursue the quick and easy method of getting a quote from a local firm for this small and low cost geotechnical task. The CCNA process came into consideration.

Procurement Alternatives

After the Utility staff met with the procurement staff of OMB, two options were identified to proceed with securing a geotechnical firm for this project.

Use the CCNA process for selecting firm – The time line for a CCNA selection process could take up to 90 days to complete, thus delaying the project. In addition to the City staff time to use the formal CCNA process which involves an evaluation committee, the potential bidders would be asked to invest the time and cost to submit their written proposal and then (if short listed) participate in the presentation phase of the process. The time and cost of going through the CCNA process should be considered when the proposal from Mancil's Tractor Service, Inc. is for \$8,271.03.

Amend the existing construction contract – Generally the required engineering services for a project are contracted for separately for the reason of checks and balances. However, under a design-build construction method we do find the two services wrapped into a single contract. Under this recommendation, the construction contractor would simply sub-contract with a mutually agreed upon engineering firm. This alternative will avoid the time and cost of the formal CCNA process and maintain the project's time line.

Recommendation

Staff is concerned that if the City was to conduct the CCNA process for this small scope of work, engineering firms would likely not participate due to the considerable investment of time and cost for the possibility of such a small award. Because of this, the City might go through this process and not achieve a better proposal than the one presently offered. In fact the offers might be higher based on the time and effort of the CCNA process. Considering this information and options, staff supports amending the construction firm's contract to include this required engineering service. Staff feels this is the best business decision for both the City and our local engineering firms.

If any further information is needed, please advise.

/DKP