



City of Pflugerville

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Title:	Discuss and consider action to approve an amendment to the construction contract with PLW Waterworks in the amount of \$201,902,913 for construction services associated with the Wilbarger Creek Regional Wastewater Treatment Facility, and authorize the City Manager to execute the same.				

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Attachments: 1. Recommendation Letter - Garver, 2. Recommendation Letter - Kimley Horn, 3. GMP # 2 Bid Documents

Date	Ver.	Action By	Action	Result
6/11/2024	1	City Council	Approved	Pass

Discuss and consider action to approve an amendment to the construction contract with PLW Waterworks in the amount of \$201,902,913 for construction services associated with the Wilbarger Creek Regional Wastewater Treatment Facility, and authorize the City Manager to execute the same.

The Wilbarger Creek Regional Wastewater Treatment Facility (WCRWWTF) phase 1 Project will expand water resources to maintain the highest level of service and quality of life to City of Pflugerville residents with the construction of a 6.0 MGD wastewater treatment plant on a 158-acre site and decommissioning of the existing Weiss Lane Lift Station. Design of the project began in November 2020 with the award of the Garver contract and was completed in December 2022. In September 2022, January 2023, and March 2023, Council approved early procurement for long lead equipment. In May 2023, Council Awarded the Pre-Construction Services Contract for the Construction Manager At Risk (CMAR) to PLW Waterworks (PLW).

The CMAR contract with PLW includes Pre-Construction Services in the amount of \$1,502,344 covering the activities for design optimization, constructability reviews and cost estimating for the entire project. Working with the CMAR, the City of Pflugerville Team (City Team) consisting of City staff, Garver - Engineer of Record (EOR), STV - City's Owner's Advisor (OA), and Ardurra - City's Construction Management Consultant (CM) determined the optimal strategy for moving the project forward required two Guaranteed Maximum Price (GMP) deliverables. Each deliverable will be awarded as an Amendment to the CMAR contract for construction of the WCRWWTF.

On November 14, 2023, Council approved award of GMP1 for the Early Work Packages as Amendment 1 for an additional cost of \$35,492,184.49 to the CMAR contract for construction of the WCRWWTF. The majority of the work in GMP1 was equipment procurement, site establishment, installation of drilled pier foundations for structures and installation of access ways for material delivery and trailers. The balance of GMP1 provided for the General Conditions requirements of the contract for the project. Upon receipt of TWDB's concurrence with Notice to Proceed, the City issued PLW NTP on GMP1 on February 22, 2024.

GMP2 for the Balance of Plant packages is presented for consideration and award as Amendment 2 to the CMAR contract for construction of the WCRWWTF. GMP2 is the final GMP deliverable required to construct, commission and place into operation the 6.0 MGD wastewater treatment plant as required in the General Conditions of the Contract as described in more detail below.

- BOP1 - Influent Lift Station & Headworks Facilities
- BOP2 - Aeration Facilities
- BOP3 - Secondary, Tertiary & Solids Facilities
- BOP6 - Commercial Buildings
- BOP7 - Yard Piping & Weiss Lane Lift Station Decommissioning
- BOP8 - Electrical and Instrumentation & Controls
- BOP9 - Site Work
- BOP11 - HVAC

During the Design and Pre-Construction Services phases of the project, the strategic decision was made to shift critical pipeline connections required for the new treatment plant operation out of the adjacent WC Wastewater Interceptor (WC WWI) project and into the WCRWWTF project. This provides better value to the City, places the responsibility of the system start-up on a single Contractor and reduces the City's overall risk. The design work being completed under the WC WWI project, under a previously approved contract with Kimley-Horn, was moved and bid in BOP1 and BOP7. The CMAR's advertisement and bid procedures meet the TWDB funding requirements to ensure the City can continue to take advantage of low-interest loans provided by the TWDB.

The CMAR has used a pre-approved notification/advertisement process with three non-mandatory Contractor Outreach Meetings held on November 16, 2023, December 14, 2023, and January 16, 2024, for all BOP packages. The CMAR notified the City prior to the advertisement of their intent to submit a bid proposal on BOP1, BOP2, BOP3 and BOP7. The BOP packages were advertised on January 3, 2024, and again on January 10, 2024. Bids received on February 23, 2024, for BOP6, BOP8 and BOP11 were reviewed and evaluated by the CMAR based on the pre-approved scoring criteria for pricing, qualifications, safety record, and conformance with bidding requirements. The CMAR provided recommendations to the City Team which have been reviewed and approved.

Bids for BOP1, BOP2, BOP3, BOP7 and BOP9 were received on March 15, 2024. The CMAR reviewed and evaluated BOP9 based on the pre-approved scoring criteria for pricing, qualifications, safety and conformance with bidding requirements. The CMAR provided recommendations to the City Team which have been reviewed and approved.

The bids for BOP1, BOP2, BOP3 and BOP7 were opened at 11 am and document receipt was acknowledged and checked for completeness and compliance with the Contract Documents, and tabulated, with only one irregularity being noted on BOP7. One of the three bidders incorrectly sent their bid to the email address for non-self-perform packages. The bid was sent at 10:57 am and it was determined that it was in the best interest of the City to accept and open the bid. The bids for each package were reviewed and evaluated by the City Team based on the pre-approved scoring criteria for pricing, qualifications, safety record, and conformance with bidding requirements. For BOP7 additional information was requested from bidders prior to finalizing evaluation scores. The EOR provided recommendations to the City Team for bidder selection providing best value to the City for their respective design components in the BOP packages. The City Team submitted the bid documents to TWDB for review and concurrence and await approval from the Council prior to the

issuance of a Notice to Proceed.

The CMAR provided a GMP2 proposal that was further negotiated by the City Team prior to final acceptance and recommendation of the overall GMP2 by the EOR. The work contained in GMP2 is broken out as follows:

General Conditions pricing negotiated down to: \$19,181,639.78

Total Allowance agreed to: \$1,710,796.00

Total cost of work: \$176,972,722.73

The CMAR's Fee at 9%: \$15,927,545.05

Bonds and Insurance at 2.5%: \$5,076,322.84

TOTAL ADDITIONAL COST to be approved by Council for GMP2 Cost: \$201,902,913.45

Approval of GMP2 by the Council will result in the Total WCRWWTF CMAR Contract authorization of \$ 247,671,315.93. Per the contract, any and all surplus funds within the GMP will be returned to the project. Upon approval of GMP2 by the Council, the City will then issue the CMAR a Notice to Proceed (NTP), the CMAR will issue NTP to selected subcontractors and work on GMP2 will immediately begin. The CMAR is scheduled to begin receiving wastewater flow for plant seeding on October 29, 2026, with Substantial Completion on March 8, 2027 and Final Completion on May 7, 2027.

This GMP supports several of the City of Pflugerville's Strategic Goals, but most notably reinforces the City's commitment to providing robust and resilient infrastructure that maintains operability at all times. The Wilbarger Regional Wastewater Treatment Facility will support the City's progress in preparing the City's wastewater infrastructure for the continued growth of the eastern areas of the City's wastewater CCN and will do so in a responsible manner that reduces the City's long-term risks in providing wastewater treatment services to the growing population of Pflugerville. The Wilbarger Regional Wastewater Treatment Facility will also allow the economic development of the eastern areas of Pflugerville by allowing development to continue in these areas that will contribute to the overall economic vitality of the City as a whole.

Prior City Council Action

On February 11, 2020, City Council approved a Professional Services Agreement with CP&Y, Inc. in the amount of \$479,944 for Owner's Representative services associated with the Wilbarger Creek Regional Wastewater Treatment Facility.

On September 22, 2020, Council approved selection of Garver for professional services associated with the Wilbarger Creek Regional Wastewater Treatment Facility Project.

On October 27, 2020, Council approved a professional services agreement in the amount of \$1,650,192 with Garver for the conceptual design of the Wilbarger Creek Regional Wastewater Treatment Facility Project.

On June 22, 2021, Council approved a professional services supplemental agreement with CP&Y, Inc. in the amount of \$1,407,592 for Owner's Representative services for preliminary design, final design and bid phase services for the Wilbarger Creek Regional Wastewater Treatment Facility Project.

On June 22, 2021, Council approved a professional services supplemental agreement with Garver in the amount of \$7,896,181 for preliminary design, final design and bid phase services for the Wilbarger Creek Regional Wastewater Treatment Facility Project.

On July 12th, 2022, Council approved a resolution authorizing the use of the Competitive Sealed Proposal (CSP) procurement method for the Wilbarger Creek Regional Wastewater Treatment Facility (WCRWWTF) Project, including the Pre-Selection of vendors for major treatment process equipment.

On September 27th, 2022, City Council awarded a pre-procurement contract to Trojan Technologies for the supply of UV Disinfection Equipment for the WCRWWTF in the amount of \$655,520.

On January 10th, 2022, City Council awarded a pre-procurement contract to T. Morales Company Electrical and Controls, Ltd. to supply Electrical Equipment for the WCRWWTF in the amount of \$7,106,645.

On March 14, 2023, City Council awarded a pre-procurement contract with Alterman, Inc. to supply Generator Equipment for the WCRWWTF in the amount of \$1,667,229.

On March 14, 2023, City Council awarded a professional services supplemental agreement with CP&Y, Inc. in the amount of \$2,187,985 to provide Owner's Representative Pre-Construction Construction Phase Services for the Wilbarger Regional Wastewater Treatment Facility.

On April 14, 2023, City Council awarded a Construction Manager at Risk contract with PLW Waterworks, LLC. in the amount of \$1,502,344 for the Construction Manager at Risk - Wilbarger Creek Regional Wastewater Treatment Facility (WCRWWTF) Project Phase 1 Construction.

On November 14, 2023, City Council awarded the GMP # 1 Package to PLW Waterworks, LLC. in the amount of \$35,492,185 for construction services associated with the Wilbarger Creek Regional Wastewater Treatment Facility.

Deadline for City Council Action

June 11, 2024

Funding Expected: Revenue ☐ Expenditure ☒ N/A ☐

Budgeted Item: Yes ☒ No ☐ N/A ☐

Amount: \$201,902,913

1295 Form Required? Yes ☒ No ☐

Legal Review Required: N/A ☐ Required ☒ Date Completed: 5/24/2024

Supporting documents attached:

Letter of Recommendation - Garver

Letter of Recommendation - Kimley-Horn

GMP # 2 Bid Documents

Recommended Action

City Team recommends that Council authorize an additional \$201,902,913.45 in project funds for GMP2, award an amendment to the CMAR contract to bring the total contract value to \$247,671,315.93 and authorize the City Manager to execute the Amendment on behalf of the City.