

City Council

Agenda Item

Subject: Approval of Amendment No. 4 with Rice Lake, Construction Manager At-Risk for the Wastewater Collection System and Treatment Facilities Improvements, Project No. 2317, and Acknowledgement of Bid Awards No. 2 and No. 3 to Various Contractors Stated in the Award Letter.

Meeting: City Council - Aug 05 2024

From: Amanda Mack, City Manager

BACKGROUND INFORMATION:

This amendment is for time only, not pricing. It sets the current contract time as 1,442 days for a substantial completion date of September 01, 2027, and a final completion date of May 15, 2028, and adds language for liquidated damages. The guaranteed maximum price (GMP) of \$48,633,277.00 is unchanged by this Amendment. The City is acknowledging Rice Lake's acceptance of the remaining bid package work under their CMAR and GMP agreements with the City. The total value of recent bid packages is \$26,771,153.00.

Bids No. 2 and No. 3 were received by Rice Lake on July 11, 2024. The majority of the work is for concrete, masonry, and structural items. All work included in bids 2 and 3, as bid and managed by the CMAR, as are shown below:

Bid Packages:

- 2.1 - Demolition - Entire Structures
- 2.2 - Demolition and Patching - Mis Structural
- 3.1 - Cast-On-Place Concrete - Furnish & Install
- 3.2 - Pre-Cast Hollow Core Plank - Furnish & Install
- 4 - Masonry - Furnish & Install
- 5.1 - Metals - Supply
- 5.2 - Metals - Install
- 7.2 - Div 7 EIFS - Furnish & Install
- 7.3 - Div 7 EPDM Roofing - Furnish & Install
- 7.4 -Div 7 Joint Sealants - Furnish & Install
- 8.1 - Div 8 Doors and Frames - Supply
- 8.2 - Div 8 Access Doors - Supply
- 8.3 - Div 8 Louvers and Vents - Supply
- 8.4 - Div 8 Overhead Doors - Supply & Install
- 9 - Coatings - Furnish & Install
- 10.1 - Dive 10 Specialties - Supply & Install
- 10.2 - General Construction
- 13 - Wood Frame Building Systems - Furnish & Install
- 31.1 - Earthwork and Site Utilities

31.2 - Dewatering
31.3 - Temporary By-Pass Pumping
32 - Chain Link Fence and Gate
40.1 - Process Pipe - Furnish & Install
41.2 Hoist, Trolleys, and Monorails
46.9 - Process Equipment and Gates - Install

FINANCIAL CONSIDERATIONS:

Initial funding for this project was budgeted in the CIP Wastewater Treatment Facility fund account 604-43256-43987 in the amount of \$36,000,000.00. To cover that expense, the City was awarded \$35.7M in funding from the State; \$15,894,200 in grants (\$3.7M in ARPA, additional \$3.7 matching ARPA, and \$8.5M additional grants), \$19,819,800 in SRF loans at 2.125% for 30 years. Subsequently, during project development, an additional \$25,000,000 in SRF loans at 3.25% for 30 years was sought and awarded. This brings the total project budget to approximately \$61,000,000.

Amendment 1: \$837,353.00 (Screw Press)

Amendment 2: \$19,962,883.00 (HVAC, Plumbing, Electrical, Process Equipment)

Amendment 3: \$27,833,041.00 (Setting GMP for estimated costs of Remaining Bid Items)

Amendment 4: \$0 (Substantial / Final Completion Dates, Liquidated Damages)

Total contract/GMP: \$48,633,277.00

Amendment 4 is not adjusting the GMP, the awarded bids under the CMAR were previously accounted for in the GMP in Amendment 3.

The total project budget is \$60,714,000.00 with testing, design, resident engineering, construction administration, owner representative contracts, contingency, allowances, and all other additional costs.

OVERSIGHT / PROJECT RESPONSIBILITY:

Heath VonEye, Assistant City Manager/Public Works Director

Robert Dari, Wastewater Superintendent

Justin Petersen, City Engineer

Marci Lewno, Engineer I/Project Manager

STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends the approval of the amendment to the agreement and the acknowledgement of bid awards through the following motion:

I move to approve Amendment No. 4 with Rice Lake, Construction Manager At-Risk for the Wastewater Collection System and Treatment Facilities Improvements, Project No. 2317, and Acknowledgement of Bid Awards No. 2 and No. 3 to Various Contractors Stated in the Award Letter.

ATTACHMENT(S):

RL Letter of Recommendation
Amendment 4 Watertown SD CMAR GMP

On July 11th, 2024 at 2:00 pm, the City and HDR received the bid packages below for the Watertown, SD Wastewater Treatment Facility (WWTF) Improvements project. The proposals received were opened privately and independently reviewed by Rice Lake, HDR and the City for completeness and conformance with the bidding documents. Following this review process a meeting was held on July 16th with Rice Lake, HDR and the City to finalize the review and agree on the recommendations of suppliers and subcontractors.

A listing of the recommended suppliers or subcontractors is as follows.

- 2.1 Demolition – Entire Structures - Subcontractor
 - i. **Recommendation: Award to Bolander**

- 2.2 Demolitions and Patching – Misc Structural – Subcontractor
 - i. **Recommendation: Award to Rice Lake West**

- 3.01 Cast-In-Place Concrete – Subcontractor
 - i. **Recommendation: Award to Rice Lake West**

- 3.02 Pre-cast Hollow Core Plank - Subcontractor
 - i. **Recommendation: Award to Molin**

- 4 Masonry - Subcontractor
 - i. **Recommendation: Award to Caliber Masonry**

- 5.1 Fabricated Metals – Supply
 - i. **Recommendation: Award to Mid America Fabrication.**

- 5.2 Fabricated Metals Install – Subcontractor
 - i. **Recommendation: Award to Amerect.**

- 7.2 EIFS - Subcontractor
 - i. **Recommendation: Award to Levijoki Exteriors.**

- 7.3 EPDM Roofing – Subcontractor
 - i. **Recommendation: Award to J&P Roofing**

- 7.4 Joint Sealants – Subcontractor
 - i. **Recommendation: Award to The Caulkers**

- 8.1 Doors and Frames – Supply
 - i. **Recommendation: Award to David Hardware**

- 8.2 Access Doors – Supply
 - i. **Recommendation: Award to Rice Lake West/Nystrom**

- 8.3 Louvers and Vents – Supply
 - i. **Recommendation: Award to Rice Lake West/Airline Louvers**

- 8.4 Overhead Doors – Subcontractor
 - i. **Recommendation: Award to Metro Garage Door**

- 9 Coatings – Subcontractor
 - i. **Recommendation: Award to Protech Contracting**

- 10.1 Specialties – Supply
 - i. **Recommendation: Award to Rice Lake West**

- 10.2 General Construction – Subcontractor
 - i. **Recommendation: Award to Rice Lake West**

- 13 Wood Frame Building Systems – Subcontractor
 - i. **Recommendation: Award to Gingerich Structures**

- 31.01 Earthwork and Site Utilities – Subcontractor
 - i. **Recommendation: Award to Halme/Helix**

- 31.02 Dewatering – Subcontractor
 - i. **Recommendation: Award to Griffen Dewatering.**

- 31.03 Temporary By-Pass Pumping – Subcontractor
 - i. **Recommendation: Award to Rain for Rent**

- 32 Chain Link Fences and Gates – Subcontractor
 - i. **Recommendation: Award to American Fence**

- 40.1 Process Pipe – Subcontractor
 - i. **Recommendation: Award to Rice Lake West**

- 41.2 Hoist, Trolleys, and Monorails – Subcontractor
 - i. **Recommendation: Award to Rice Lake West**

- 46.9 Process Equipment & Gates – Subcontractor
 - i. **Recommendation: Award to Rice Lake West**

AMENDMENT 4 to
Standard Form of Agreement Between
OWNER AND CONSTRUCTION MANAGER

2013 EDITION
(Construction Manager At-Risk)

WHEREAS the City of Watertown, South Dakota ("Owner") and Rice Lake Construction Group ("CM") (collectively "Parties") on March 7, 2023, entered into a contract for services in connection with the Project known as Watertown Collection System and WWTF Improvements Project (the "Contract");

WHEREAS the Parties wish to amend the Contract in accordance with the terms set forth herein;

NOW, THEREFORE, Owner and CM, intending to be legally bound, in consideration of the mutual promises set forth herein and other good and valuable consideration, the Parties hereby agree to amend the Contract to as outlined in Exhibit A:

Amendment Summary:

Original Contract Price:	\$	<u>0</u>
Current Contract Price:	\$	<u>48,633,277</u>
Net Change Contract Price This Amendment:	\$	<u>0</u>
Revised Contract Value:	\$	<u>48,633,277</u>
Current Contract Time:	1,442 Calendar Days	
Contract Calendar Days Added This Amendment:	0	
Revised Contract Duration:	1,442 Calendar Days	

OWNER:
City of Watertown

Signed: _____

Title: _____

Dated: _____

Attest: _____

CM:
Rice Lake Construction Group

Signed: Jaime Perry

Title: Project Manager

Dated: 7/24/2024

Attest: [Signature]

Initial Acknowledgement: _____

EXHIBIT A – SCOPE OF WORK AND PRICE



22360 County Road 12
PO Box 517
Deerwood, MN 56444
218-546-5519
ricelake.org

DEERWOOD | MONTICELLO

July 24th, 2024

City of Watertown, SD
23 2nd Street NE
Watertown, SD 57201

Submitted via email

**RE: Watertown WWTF
GMP**

City of Watertown,

Rice Lake Construction Group (Rice Lake) is pleased to submit an update to the Guaranteed Maximum Price (GMP) to furnish the cost for the below bid packages as detailed in Rice Lake's recommendation for award.

- [2.1 Demolition – Entire Structures](#)
- [2.2 Demolition and Patching – Misc Structural](#)
- [3.01 Cast-In-Place Concrete – Furnish & Install](#)
- [3.02 Pre-Cast Hollow Core Plank – Furnish & Install](#)
- [4 Masonry – Furnish & Install](#)
- [5.1 Fabricated Metals - Supply](#)
- [5.2 Fabricated Metals - Install](#)
- [7.2 Div 7 EIFS – Furnish & Install](#)
- [7.3 Div 7 EPDM Roofing – Furnish & Install](#)
- [7.4 Div 7 Joint Sealants – Furnish & Install](#)
- [8.1 Div 8 Doors and Frames – Supply](#)
- [8.2 Div 8 Access Doors – Supply](#)
- [8.3 Div 8 Louvers and Vents – Supply](#)
- [8.4 Div 8 Overhead Doors – Furnish & Install](#)
- [9 Coatings – Furnish & Install](#)
- [10.1 Specialties – Supply](#)
- [10.2 General Construction](#)
- [13 Wood Frame Building Systems – Furnish & Install](#)
- [31.01 Earthwork and Site Utilities](#)
- [31.02 Dewatering](#)
- [31.03 Temporary By-Pass Pumping](#)
- [32 Chain Link Fences and Gates](#)
- [40.1 Process Pipe – Furnish & Install](#)
- [41.2 Hoist, Trolleys, and Monorails](#)
- [46.9 Process Equipment & Gates – Install](#)

Breakout costs are provided in the attached document:

Rice Lake Construction Group (Rice Lake) is pleased to also submit an update to the liquidated damages term for the contract. The updated terms for liquidated damages can also be found below:

Time is an essential element of the Project. It is important that the Contractor completes the Work (or any specified portions of the Work) by the Substantial Completion date (or dates) and/or the final completion date set forth in the Contract Documents. The public is subjected to detriment and inconvenience whenever full use of the Project cannot be made because the Work (or any specified portions of the Work) is incomplete. Additionally, the cost to the City for the administration of the Project, including engineering, inspection, and the like will be increased as the time to complete the Work (or any specified portions of the Work) is increased. Therefore, liquidated damages as set forth below, shall be deducted from the amount due or that may become due the Contractor, for each and every day that the Work (or any specified portions of the Work) remains uncompleted after the Substantial Completion date (or dates) and/or after the final completion date as applicable. The City allowing the Contractor to continue the Work (or any specified portions of the Work) under the Contract after the Substantial Completion date (or dates) and/or the final completion date shall in no way be construed as a waiver by the City of its right to assess liquidated damages.

Substantial Completion: September 01, 2027

Final Completion: May 15, 2028 (To allow for exterior items to be completed that cannot be done in the winter; these may be Work items, or punch list items.)

Liquidated Damages will be assessed at \$1,020 per calendar day.

In addition to the daily liquidated damages noted above Contractor will also be responsible for all fines assessed against the city for infractions that resulted from Work activity(s) that Contractor did not complete per the construction documents and/or per the stated substantial completion and final completion dates.

Contractor retainage is to be established at 5% until substantial completion or an owner approved reduction.

Please let us know if you have any questions.
Respectfully submitted,

Jaime Barry
Project Manager



4/11/24 Bid Packages
4/16/24 Bid Packages
7/11/24 Bid Packages

Watertown, SD - WWTF Improvements

GMP - Includes 4/11, 4/16 & 7/11 Bid Packages 7/24/24 Update

CATEGORY	DESCRIPTION		
Div 1	General Requirements		
	General Conditions - 4.15%	\$ 1,981,420	RLCG
	Bonds - 0.535%	\$ 255,436	RLCG
	Insurance - 0.350%	\$ 167,108	RLCG
2.1	Demolition - Entire Structures	\$ 83,500	Bolander
2.2	Demolition and Patching - Misc Structural	\$ 249,205	Rice Lake West
3.1	Cast-In-Place Concrete	\$ 4,798,189	Rice Lake West
3.2	Pre-cast Hollow Core Plank	\$ 50,344	Molin
4	Masonry	\$ 208,385	Caliber
5.1	Metals - Supply	\$ 537,510	Mid-America
5.2	Metals - Install	\$ 243,200	Amerect
6.1	FRP Flocculation Baffles, Center Wells, Weirs, and Scum Baffles - Supply	\$ 562,675	Bafco
7.2	Div 7 EIFS - Furnish & Install	\$ 35,000	Levijoki
7.3	Div 7 EPDM Roofing - Furnish & Install	\$ 74,134	J&P Roofing
7.4	Div 7 Joint Sealants - Furnish & Install	\$ 39,500	Caulkers
8.1	Div 8 Doors and Frames - Supply	\$ 101,615	David Hardware
8.2	Div 8 Access Doors - Supply	\$ 2,224	Rice Lake West
8.3	Div 8 Louvers and Vents - Supply	\$ 1,296	Rice Lake West
8.4	Div 8 Overhead Doors - Supply and Install	\$ 25,850	Metro Garage Door
9	Coatings - Furnish & Install	\$ 507,375	Protech Coatings
	Coatings NACE Inspections Allowance	\$ 240,000	
10.1	Div 10 Specialties - Supply	\$ 4,660	Rice Lake West
10.2	General Construction	\$ 51,760	Rice Lake West
13	Wood Frame Building Systems	\$ 187,300	Gingerich Structures
22	Plumbing	\$ 655,325	Andor
23	HVAC	\$ 1,280,000	Chappell
26	Electrical	\$ 9,055,933	Muth Electric
31.1	Earthwork and Site Utilities	\$ 6,943,750	Halme/Helix
	Earthwork and Site Utilities - Allowance	\$ 350,000	
31.2	Dewatering	\$ 992,450	Griffen Dewatering
31.3	Temporary By-Pass Pumping	\$ 609,179	Rain for Rent
	Dewatering & Temporary By-Pass Pumping - Allowance	\$ 580,000	
32	Chain Link Fence and Gates	\$ 94,427	American Fence
40.1	Process Pipe - Furnish and Install	\$ 2,768,651	Rice Lake West
40.2	Process Gates - Supply (Install w. 46.6)	\$ 211,047	VBM/ Hydro Gate
41.2	Hoists, Trolleys, and Monorails - Supply and Install	\$ 15,752	Rice Lake West
43.1	Rotary Screw Blowers - Supply	\$ 1,032,264	Vessco/Aerzen
43.2	Non-Clog Centrifugal Pumps - Supply	\$ 179,585	Dakota Pump/Fairbanks
43.4	Lobe Pumps - Supply	\$ 155,122	QFS/Boerger
43.5	Open Screw Pumps - Supply	\$ 493,299	GNE/Lakeside
46.1	Aluminum Covers - Dome Type - Supply	\$ 157,176	GNE/Apex
46.2	Chopper Circulation Pump - Supply	\$ 48,140	Vessco/Trillium
46.3	Liquid Polymer Feed Equipment - Gravity Belt Thickener - Supply	\$ 95,315	GNE/Velodyne
46.4	Spiral Scraper Circular Secondary Clarifier Equipment - Supply	\$ 1,200,553	TRI/Envirodyne
46.5	Flexible Membrane Disc Diffusers - Supply	\$ 147,831	Vessco/SSI
46.6	Digester Gas Equipment - Supply	\$ 198,594	Vessco/Shand & Jurs
46.7	Digester - Boiler and Heat Exchanger - Supply	\$ 598,968	Vessco/Envirex
46.8	Pumping Equipment - Submersible End Suction Sewage Pumps - Supply	\$ -	w/Alternate Lift Stations Bid
46.9	Process Equipment & Gates - Install	\$ 2,831,920	Rice Lake West
	Additional Hydro Excavation (moving West)	\$ 18,210	Rice Lake
	Bid Pt. II allowance for move west and added pump in the digester complex	\$ 95,000	Allowance
	SUBTOTAL	\$ 41,216,177	
	CONTINGENCY	\$ 1,000,000	
	PROJECT GENERATED CONTINGENCY	\$ 1,061,888	
	STATE EXCISE TAX - 2%	\$ 954,901	
	CMAR FEE - 7.940%	\$ 3,512,097	
	SUBTOTAL	\$ 47,745,063	

Early Equipment Preprocurement		
	Amendment 1 - Screw Press Preprocurement	\$ 837,353
	Screw Press Spare Parts and controls per addenda 1 - REVISED	\$ 50,861
	GMP TOTAL	\$ 48,633,277