

RESOLUTION (1) APPROVING THE USE OF THE CONSTRUCTION MANAGER AT RISK DELIVERY METHOD TO CONSTRUCT THE EUGENE STREET PARKING DECK PROJECT; (2) APPROVING THE EVALUATION AND RANKING COMMITTEE'S FINAL RANKING OF THE FIVE FIRMS WHO SUBMITTED PROPOSALS TO SERVE AS THE CITY'S CONSTRUCTION MANAGER AT RISK FOR THE EUGENE STREET PARKING DECK PROJECT; (3) AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT FOR PRE-CONSTRUCTION SERVICES WITH THE EVALUATION AND RANKING COMMITTEE'S MOST QUALIFIED FIRM, SAMET CORPORATION/ SRS, INC.; AND (4) AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES WITH SAMET CORPORATION/ SRS, INC. IF THE GUARANTEED MAXIMUM PRICE SUBMITTED TO THE CITY MANAGER AT THE CONCLUSION OF THE PRE-CONSTRUCTION SERVICES PLUS THE TOTAL COSTS OF THE PRE-CONSTRUCTION SERVICES IS EQUAL TO OR LESS THAN TWENTY-TWO MILLION DOLLARS (\$22,000,000)

WHEREAS, the City proposes to construct a City owned and operated parking deck to address parking needs identified in Downtown Greensboro;

WHEREAS, City staff has analyzed the advantages and disadvantages of using the Construction Manager at Risk ("CMAR") delivery method in lieu of the separate prime, single prime and dual bidding delivery methods authorized by N.C.G.S. 143-128 (a1)(1) through (a1)(3). City staff has concluded that the six advantages to using the CMAR delivery method in this project outweigh its few disadvantages, and City staff is already taking steps to mitigate the impact of these disadvantages.

WHEREAS, the six advantages of using the CMAR delivery method are: (1) Reduction in Significant Change Orders; (2) Cost Control; (3) Fast Tracking; (4) The Construction Manager is Selected by Qualifications, Not Price; (5) Increased Opportunities for M/WBE Participation; and (6) The Experience of Other Municipalities;

WHEREAS, these advantages are particularly important in this project as the CMAR delivery is the best method to expedite this significant construction project, keep costs within a projected budget, and increase opportunities for M/WBE Participation.

WHEREAS, the disadvantages of using the CMAR delivery method are: (1) Requires a high level of communication between the City, the project's designers, and the Construction Manager; and (2) Project's designers contracts were not specifically drafted to address all of the unique communications challenges that can arise in this CMAR project between the CMAR and the project's designers.

WHEREAS, despite these disadvantages, the City Council finds that (1) Kimley-Horn and Associates, the designer for this project, has ample experience working with the CMAR delivery method, and it has also worked with the City on numerous other City projects; and (2) City staff will strive to minimize any communication issues between Kimley-Horn and Associates, City Staff, and the Construction Manager.

WHEREAS, the City Council concludes that due to the time and cost constraints on this project, the specific advantages of Fast Tracking, Cost Control, Increased Opportunities for M/WBE Participation, and Reduction in Significant Change Orders in using the CMAR delivery method far outweigh the disadvantages of having potential communications issues between the designer and the Construction Manager and City staff.

WHEREAS, on October 16, 2018, the Greensboro Department of Transportation (GDOT) formally issued a Request for Qualifications (RFQ) for firms to serve as the Construction Manager at Risk (CMAR) to construct the Eugene Street Parking Deck.

WHEREAS, on November 7, 2018, the City timely received proposals from five firms.

WHEREAS, the City formed a four-member Evaluation and Ranking Committee (“ERC”) to review each CMAR proposal.

WHEREAS, on November 15, 2018, the ERC evaluated and ranked the five proposals using a weighted point scale rating system based on the nine (9) criteria defined in the RFQ. The five firms received the following scores:

1. Samet Corporation / SRS, Inc.- 93.4%;
2. Barnhill Contracting Co. – 92.8%;
3. Whiting-Turner Contracting Co. – 92.8%
4. JM Thompson Co. - 82.8%;
5. Landmark Builders – 73.7%

WHEREAS, the City Council hereby affirms and approves of the ERC’s ranking of these five firms.

WHEREAS, the ERC determined that Samet Corporation/ SRS, Inc. was most qualified firm to serve as the City’s CMAR for the Eugene Street Parking Deck Project;

WHEREAS, City staff requests that the City Council authorize the City Manager to negotiate a contract for Pre-Construction Services with Samet Corporation/ SRS, Inc., and if the GMP submitted to the City Manager at the conclusion of the Pre-Construction Services plus the total costs of the Pre-Construction Services is equal to or less than Twenty-Two Million Dollars (\$22,000,000), authorize the City Manager to execute a contract for Construction Management Services with Samet Corporation/ SRS, Inc. for the amount of the GMP.

WHEREAS, Samet Corporation/ SRS, Inc. is a joint venture firm between a non-M/WBE firm, Samet Corporation, and an MBE firm, SRS, Inc. This joint venture arrangement provides SRS, Inc. a 20% stake in the entire Eugene Street Parking Deck Project. Additionally, during the Pre-Construction Phase Contract, Samet Corporation/ SRS, Inc. has also committed to participate in the City’s M/WBE Mentor-Protégé Program by hiring the Cinda Corporation as a Protégé on the Pre-Construction Phase Services for approximately 10% of the Pre-Construction fee.

WHEREAS, in the Pre-Construction Phase Contract, Samet Corporation/ SRS, Inc. will work with Kimley-Horn and Associates and City staff to review constructability issues during the design phase to reduce change orders in the field and manage the projected costs of the project during design. This will help ensure that the project costs are as accurate as possible to prepare a GMP to offer the City Manager to construct the Eugene Street Parking Deck.

WHEREAS, the City Manager will have the authority to accept the GMP if the costs of the Pre-Construction services and the GMP are Twenty-Two Million Dollars (\$22,000,000) or less.

WHEREAS, if the City Manager accepts the GMP, the City Manager will execute a contract with Samet Corporation/ SRS, Inc. for Construction Management Services to construct the parking deck.

WHEREAS, upon the execution of the Construction Management contract, Samet Corporation/ SRS, Inc. will be required to go to the City's Goal Setting Committee to have M/WBE Project Participation Goals assigned to the contract. Samet Corporation/ SRS, Inc. will then be required to use Good Faith Efforts as defined by the City's M/WBE Program plan to meet these M/WBE Project Participation Goals.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

- (1) The City Manager is authorized to use the Construction Manager at Risk Delivery Method to construct the Eugene Street Parking Deck Project;
- (2) The City Council approves the ERC's final rankings of the five (5) firms to serve as the City's Construction Manager at Risk for the Eugene Street Parking Deck Project;
- (3) The City Manager is authorized to negotiate a contract for Pre-Construction Services with the ERC's most qualified firm, Samet Corporation/ SRS, Inc.; and
- (4) The City Manager is authorized to execute a contract for Construction Management Services with Samet Corporation/ SRS, Inc. if the Guaranteed Maximum Price submitted to the City Manager at the conclusion of the Pre-Construction Services plus the total costs of the Pre-Construction Services is equal to or less than Twenty-Two Million Dollars (\$22,000,000). Funds for this project are available in account 546-4520-01.6019.