



Meeting Date: 08/01/18  
Agenda Item: #         

**Mission Statement**

To provide our growing dynamic community excellent municipal services to make Fernley a great place to live, work, and play. Together, we enhance the desirability, safety, friendliness, aesthetics and quality of life in our city.

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**CITY OF FERNLEY CITY COUNCIL MEETING STAFF REPORT**

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**REPORT TO:** Mayor & City Council

**REPORT THRU:** Daphne Hooper, City Manager

**REPORT BY:** Derek W. Starkey, PE, City Engineer

**REVIEWED BY:** Brandi Jensen, City Attorney

**REVIEWED BY:** Denise Lewis, Finance Director

**AGENDA ITEM:** **Possible Action to award two (2) Contracts, and one (1) Amendment to an Existing Contract, for the Construction and associated Construction Services for the Hardie Lane Reconstruction Project:**

- 1.) **Award of Contract for Construction to A&K Earth Movers, Inc., in an amount not to exceed \$3,624,000.00, plus a 5% contingency of \$181,200.00.**
- 2.) **Approve Amendment D, to extend the existing Hardie Lane Reconstruction Project Contract for Engineering Services with NCE, and to approve additional funds for Construction Services, in an amount not to exceed \$668,000.00.**
- 3.) **Award of Contract for Independent Assurance Testing Services to Lumos and Associates, Inc., in an amount not to exceed \$55,600.00.**

**ACTION REQUESTED:**  Consent  Ordinance  Resolution  Motion  Receive/File

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**RECOMMENDED ACTION BY CITY COUNCIL**

Staff recommends the following action:

**“I move to award the Contracts for Construction and associated Construction Services for the Hardie Lane Reconstruction Project:**

- 1.) **Award of Contract for Construction to A&K Earth Movers, Inc., in an amount not to exceed \$3,624,000.00, plus a 5% contingency of \$181,200.00.**
- 2.) **Approve Amendment D, to extend the existing Hardie Lane Reconstruction Project Contract for Engineering Services with NCE, and to approve additional funds for Construction Services, in an amount not to exceed \$668,000.00**
- 3.) **Award of Contract for Independent Assurance Testing Services to Lumos and Associates, Inc., in an amount not to exceed \$55,600.00.”**

**Key Points:**

1. A&K Earth Movers, Inc. was the qualifying apparent low bidder at the Project Bid Opening.
2. The major work items include, but are not limited to: Construction of storm drain, sanitary sewer, and water utilities; stormwater basin; site work and finish grading, curb and gutter, sidewalk, multi-use path, pulverization, plantmix bituminous pavement, striping, and signage; fencing, traffic control and all the related appurtenances as contained in the Contract Documents.
3. Plans, specifications and estimates for the Hardie LN Reconstruction Project have been prepared by NCE. NCE's existing Contract for Engineering Services will need to be extended to complete Construction Management tasks. Additional Funding is being requested to accommodate Construction Services, which were not a part of the Design and Permitting Phase of the Project, (completed during previous fiscal years).
4. It is proposed that Lumos and Associates, Inc., selected from the City's 2016-2018 Qualified Professionals List, provide Independent Assurance Testing Services for the Project.
5. This Project will be paid for using the \$6.8M (Hardie Lane Roadway Reconstruction Project, Hardie LN Waterline Replacement and Hardie LN Sewer Line Replacement), allocated during the FY 18/19 budget approval process.

## **POLICY REFERENCE**

<i>Nevada Statutes:</i>	NRS 625.050 Practice of Professional Engineering NRS 625.530 Section 3 Restrictions upon Public Works NRS 332.115.b NRS 338
<i>Fernley Municipal Code:</i>	N/A
<i>Policies &amp; Procedure Manual:</i>	City of Fernley Grants Policy, 2016 NDOT Right-of-Way Manual, 2017 NDOT LPA Manual
<i>Community Assessment:</i>	Safe travel for kids, moving around town and sidewalks and bike paths, (pp. 12)
<i>Other:</i>	City of Fernley Safe Routes to School Plan, adopted in 2011 Laws, regulations and executive orders applicable to HWY Agreement No. P511-13-063

## **SUPPORTING INFORMATION**

These two (2) Contracts and one (1) Contract Amendment are for Construction and associated Construction Services for the Hardie LN Reconstruction Project. Major work items include, but are not limited to: Construction of storm drain, sanitary sewer, and water utilities; stormwater basin; site work and finish grading, curb and gutter, sidewalk, multi-use path, pulverization, plantmix bituminous pavement, striping, and signage; fencing, traffic control and all the related appurtenances as contained in the Contract Documents.

### 1.) Contract for Construction

Staff advertised the Project in the Reno Gazette Journal, the Mason Valley News and on the City of Fernley website. The start date of Advertisement for RGJ and MVN was June 13, 2018; posted for a duration of three (3) weeks. The Advertisement was posted on the City of Fernley website from June 13, 2018 through July 05, 2018. Staff opened bids on July 05, 2018. The list of bidders and total bid prices for the Project are included in NCE's Bid Summary Report, referenced below as Attached Information, Item No. 2.

After reviewing the bids and conferring with the City's Project consultants, NCE, Staff recommends awarding the Contract to A&K Earth Movers, Inc.

The proposed Contract is comprised of a Base Bid in the amount of \$3,624,000.00, and is referenced below as Attached Information, Item No. 1.

### 2.) Amendment D

NCE prepared plans, specifications and estimates for the Hardie LN Reconstruction Project. The existing Contract for Engineering Services expired on June 30, 2018, and should be extended through June 30, 2020 to accommodate completion of Construction Management (CM) Services and to coordinate with the FHWA Project End Date. The remaining Contract balance, as of the date of this Agenda Report, is approximately \$5,500.00. Additional Bidding Services (Task 06) were provided during the bidding phase of the Project; the City has not yet been invoiced for these services.

NCE's Contract for Engineering Services, (as Amended), was intentionally scoped to include services required to complete Design and Regulatory Compliance and Permitting activities. Limited Construction Administration Services, (as outlined in Task 06 Bidding Services), to assist the City with the bid process were included as well.

Staff is requesting additional funds for NCE to complete Construction Management Services during the Construction phase of the Project, in the amount of \$668,000.00, which includes the following tasks:

- Task 6 – Bidding Services
  - o NCE provided plans and contract documents to potential bidders, maintained a plan holders list, and prepared, tracked, and distributed addendum(s), as needed
- Task 15 – Construction Services
  - o Task 15A – Contract Administration
  - o Task 15B – LPA Construction Coordination

- Task 15C – Construction Surveying
- Task 15D – Construction Inspection
- Task 15E – Materials Testing
- Task 15F – Record Drawings

Approximately 55% of the proposed additional funding for NCE’s Contract Amendment D is required to comply with NDOT inspection, testing and documentation requirements throughout the 230 Working day contract period. Proposed Amendment D is referenced below as Attached Information, Item No. 3.

3.) Contract for Independent Assurance (IA) Testing Services

Per 2017 NDOT LPA Manual, Section 11.7.8, “The LPA is responsible for developing and implementing Independent Assurance (IA) procedures on QC and QA. IA Testing must be performed by a qualified testing firm not utilized in the Verification and/or Acceptance Testing process. Testing methods, frequencies and documentation must follow NDOT’s Construction Manual and Documentation Manual, or the LPA may use their own NDOT-approved.”

It is proposed that Lumos and Associates, Inc., selected from the City’s 2016-2018 Qualified Professionals List, provide Independent Assurance Testing Services for the Project as follows:

- Provide IA personnel that possess the necessary Nevada Alliance for Quality Transportation Construction (NAQTC) or American Concrete Institute (ACI) qualifications
- Verify all personnel providing testing services on the project possess the necessary NAQTC or ACI qualifications
- Perform IA materials testing as outlined in the Minimum Required Samples and Tests, to be performed in AASTO Accredited Laboratory
- Perform IA visual audits as outlined in the Minimum Required Samples and Tests, including but not limited to:
  - Sampling Procedures
  - Testing Procedures
  - Calculations
  - Reports
  - Equipment Calibrations
- Perform follow up audits as required in the Minimum Required Samples and Tests
- Provide administrative services related to IA Testing
- Provide a final letter and project closeout package which shall include complete results of the Independent Assurance Testing

100% of the proposed funding for IA Testing Services is required to comply with NDOT inspection, testing and documentation requirements throughout the 230 Working day contract period. These services are being proposed for an amount not to exceed \$55,600.00. Lumos will be using the City’s Standard Contract for Engineering Services, referenced below as Attached Information, Item No. 4.

**FINANCIAL INFORMATION**

**FISCAL IMPACT:**

1. Is There A Fiscal Impact?	Yes
2. Is it Currently Budgeted?	<u>Yes</u>
3. If Budgeted, Which Line Item/Account?	
	100-475-730, 220-480-658, 300-425-730, 100-475-745, 510-166-100, 520-166-100

**FISCAL SYNOPSIS:**

**The FY 18/19 budget for the Project is approximately \$6.8M**

**BACKGROUND INFORMATION**

Construction of the City of Fernley Hardie Lane Reconstruction Project is tentatively scheduled to commence in the fall of

2018. The project limits will extend from Main Street to Cottonwood Lane. The project includes the addition of curb and gutter along both sides of the roadway, installation of a storm drain system, water main replacement, sewer main replacement, and a complete roadway reconstruction. Safety improvements include traffic calming measures around the elementary school and piping of USBR's TC-5 lateral from Westerlund LN to Rachel ST. The Lyon County School District will also be constructing site safety improvements at Fernley Elementary School.

Hardie Lane is a critical North-South connector street for the City and is used to access residential homes off Hardie LN. It is also used as access by local elementary and intermediate school students. The street is currently in a state of disrepair with a Pavement Condition Index (PCI) of less than 25. This PCI ranking indicates that preventative maintenance is not appropriate for this roadway and reconstruction is the most effective option. Aside from the condition of the asphalt, the street has numerous safety and access issues, particularly around the elementary school. The City received CDBG Funding in 2012 for the construction of Hardie Lane from Main Steet to Dianne Way. CDBG funding has been fully expended. The City received FHWA Funds, administered through NDOT, in December 2013. To date, costs associated with Preliminary Engineering, Right-of-Way and a portion of Utilities have been expended from available FHWA Funding for the Project. The remaining balance of FHWA Funds from the Design phase of the Project have been programmed for, and is currently allocated, under funds for Construction.

The remainder of the Project will be completed using a combination of FHWA Funds, Regional Transportation Commission (RTC) Funds, Committed (General Fund), Public Works Future Roadway Improvements, per City of Fernley Resolution #13-014 and 14-014, Water Enterprise Fund, Wastewater Enterprise Fund and a portion of the Capital Fund.

### **PRIOR COUNCIL ACTION/REVIEW**

March 6, 2013, Possible action to award contract to Nichols Consulting Engineers, Chtd. for Hardie Lane Reconstruction project, Rachel Street to Main Street, survey, design, construction engineering, quality assurance inspection and material sampling and testing in an amount not to exceed \$216,662.00, Motion passed.

May 2, 2013, Discussion and possible action to staff regarding fiscal year 2013/2014 proposed budget including but not limited to; all funds and departments, budget process, timelines, existing budget, assessment and goals for next year, Motion passed.

July 17, 2013, Possible action to approve the Cooperative Local Public Agency (LPA) Agreement for the Hardie Lane Safe Routes to School Project, funded amount \$802,102, Motion passed.

April 24, 2014, Discussion and possible action to staff regarding fiscal year 2014/2015 proposed budget including but not limited to; all funds and departments, budget process, timelines, existing budget, assessment and goals for next year, Motion passed.

January 7, 2015, Possible action to approve Amendment A, to extend and incorporate additional scope of work for engineering services and associated fees, for the existing Hardie Lane Reconstruction Contract with Nichols Consulting Engineers, Chtd., in an amount not to exceed \$324,267.03, Motion passed.

March 18, 2015, Possible action to approve the Amendment of the Cooperative Local Public Agency (LPA) Agreement for the Hardie Lane Safe Routes to School Project, to extend the Project limits, include additional Project Scope and accept additional funding from the Transportation Alternatives Program, (TAP), in the amount of \$34,000, Motion passed.

May 7, 2015, Discussion and possible action to staff regarding fiscal year 2015/2016 proposed budget including but not limited to; all funds and departments, budget process, timelines, existing budget, assessment and goals for next year, Motion passed.

June 3, 2015, Possible action to approve Amendment B, to incorporate additional scope of work for engineering services and associated fees, in relation to NEPA compliance requirements, for the existing Hardie Lane Reconstruction Project Contract, to Nichols Consulting Engineers, Chtd., in an amount not to exceed \$17,761, Motion passed.

May 18, 2016, Discussion and possible action to staff regarding fiscal year 2016/2017 proposed budget including but not limited to; all funds and departments, budget process, timelines, existing budget, assessment and goals for next year, Motion passed.

August 3, 2016, Possible Action to approve Amendment No. 2 of the Cooperative Local Public Agency (LPA) Highway Agreement No. P511-13-063 for the Hardie Lane Safe Routes to School Project, Motion passed.

September 7, 2016, Presentation on the status of the City's current grant projects with the Nevada Department of Transportation.

December 07, 2016, Discussion and possible Action to approve Amendment C, to incorporate additional scope of work for the existing Engineering Services Contract for the Hardie Lane Reconstruction Project, to NCE, in an amount not to exceed \$208,633.57, Motion passed.

May 17, 2017, Discussion and possible action to staff regarding fiscal year 2017/2018 proposed budget including but not limited to; all funds and departments, budget process, timelines, existing budget, assessment and goals for next year, Motion passed.

July 5, 2017, Possible Action to approve the acquisition of two (2) Temporary Construction Easements (TCEs) and one (1) Permanent Easement (PE) located at APN: 020-041-65 (295 East Main Street), from T&N Fernley, LLC, in the amount of \$3,900, Motion passed.

August 2, 2017, Possible Action to approve the acquisition of the following Temporary Construction Easements (TCEs):

- a) APN: 020-061-22 (176 Hardie LN), Evans, in the amount of \$1,000
- b) APN: 020-061-21 (170 Hardie LN), Bridgewater Investments, LLC, in the amount of \$1,000
- c) APN: 020-061-20 (150 Hardie LN), Singh and Grewal, in the amount of \$1,000
- d) APN: 020-061-23 (180 Hardie LN), Bush and Donohue, in the amount of \$1,000
- e) APN: 020-041-64 (100 Hardie LN), Palmer, in the amount of \$2,000
- f) APN: 020-082-19 (355 Hardie LN), Sagar Energy Corp., in the amount of \$1,000, Motion passed.

August 2, 2017, Possible Action to approve the acquisition of one (1) Right-of-Way Take (ROW Take), one (1) Permanent Easement (PE) and one (1) Permission to Construct (PTC) located at APN: 020-131-02 (450 Hardie LN), from Lyon County School District, in the amount of \$60,300, Motion passed.

September 20, 2017, Possible Action to approve the acquisition of one (1) Temporary Construction Easement (TCE) located at APN: 020-061-19 (275 E. Cedar ST), in the amount of \$7,000., Motion passed.

December 6, 2017, Possible Action to approve the acquisition of one (1) Temporary Construction Easement (TCE) and one (1) Permanent Easement (PE) located at APN: 020-102-01 (315 East Main Street), from the United States Postal Service (USPS), in the amount of \$2,000, Motion passed.

April 18, 2018, Possible Action to ratify the NV Energy Facilities Relocation Agreement for the Hardie Lane Roadway Reconstruction Project, in the amount of \$68,007.00, plus a 10% contingency of \$6,800, Motion passed.

April 18, 2018, Possible Action to ratify the United States Bureau of Reclamation (USBR) *Consent Document to Utilize Easement and Acceptance of Design Eliminating Two Laterals* for the Hardie Lane Roadway Reconstruction Project, Motion passed.

#### **ATTACHED INFORMATION**

- 1) City of Fernley Standard Contract for Construction
- 2) Bid Summary Report, NCE
- 3) Amendment D
- 4) City of Fernley Standard Contract for Engineering Services