

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of October 19, 2017

TO: The Honorable Darden Rice, Chair and Members of City Council

SUBJECT: A resolution approving Amendment No. 3 to the Construction Manager at Risk Agreement, with the Haskell Company ("Construction Manager") dated December 10, 2014th, accepting an addendum to the Guaranteed Maximum Price ("GMP") proposal for additional design and construction services in the amount of \$4,616,684.28 for a total GMP amount not to exceed 69,484,951.28; authorizing the mayor or his designee to execute Amendment No. 3 and all documents necessary to effectuate this Transaction; authorizing a supplemental appropriation in the amount of \$4,049,316 from the unappropriated balance of the Water Resources Capital Projects Fund (4003), resulting from the second amendment to the State Revolving Fund Loan (WW520630), to the WRF SW Digester Biosolids FY16 Project (15290); and providing an effective date.

EXPLANATION:

On December 10, 2014, the City and the Construction Manager entered into a Construction Manager at Risk Agreement with a Guaranteed Maximum Price for Pre-construction and Construction Services for the Biosolids to Energy Project ("Contract"). On September 24, 2015, the City and the Construction Manager entered into a First Amendment to the Contract to include additional preconstruction phase services and compensation for the Generator and Electrical Improvements associated with the Biosolids to Energy Project currently being designed by Black and Veatch and for services associated with State Revolving Fund funding assistance. On February 4, 2016, the City and the Construction Manager entered into a Second Amendment to the Contract to include a Guaranteed Maximum Price ("GMP") of \$64,868,267 and other modifications to the Contract.

The City and Construction Manager desire to execute a Third Amendment to the Contract approving an addendum to the GMP proposal dated February 3, 2016 for additional design and construction services in the amount of \$4,616,684.28 for a total GMP amount not to exceed 69,484,951.28.

In August 2015 and September 2016, the City of St. Petersburg experienced increased peak flow during severe storm events which resulted in unpermitted discharges of wastewater and effluent. The City reevaluated future peak flow capacity needs at the SWWRF, of which modifications are required to elements of the Biosolids Project to ensure peak treatment capacity can be achieved.

This Third Amendment addresses changes in the original scope in the following three areas:

Redesign and Accelerated Construction of Primary Clarifier Splitter Box:

The primary clarifier splitter box was originally designed to handle 70MGD of peak hourly flow and included as part of the Biosolids to Energy Project. On May 10, 2017, the FDEP issued permit no. FLA128848, which provided for facility expansion based on the "SWWRF Capacity Upgrades Project Interim Capacity Improvements PDR". The permit identified the construction of the splitter box and other improvements. The splitter box redesign includes increasing the size of the concrete structure by approximately 33% (110 MGD capacity), inclusion of additional internal flow channels, larger diameter process piping entering and exiting the splitter box, additional process pipes entering and exiting the splitter box, additional flow channel sluice gates, additional amount of specialty coatings for the larger concrete

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structure, structure covers, and additional labor costs attributed to accelerating the construction of the modified flow splitter box to be functional by August 15, 2017.

48" Ductile Iron Pipe ("DIP") Mixed Liquor("ML") main pipe extension, modifications to the LS #2 forcemain, and rehabilitation of the existing generator from the AWWRF

As part of the Interim Capacity Improvements modifications to the secondary splitter box on the south end of the aeration basin which would hinder the future construction of the 48" ML line, the City requested Haskell to have this pipe extension installed now rather than when the future clarifier #4 is built – avoiding excessive exorbitant construction costs.

The capacity expansion included revisions to the LS #2 forcemain. Two inline 12" valves and a 12" tee were added to the forcemain to allow the plant operators to channel flow directly to the new splitter box during the peak flow periods.

In accordance to the contract documents, the barrel section of the generator relocated from the AWWRF to the SWWRF was to be rewound. Since the barrel was in an advanced state of degradation, the City requested a new barrel section, avoiding future maintenance problems.

Procurement and installation of the biogas upgrade system (BUS)

Guild Associates is the specified provider for the biogas purification system. This specialty equipment supplier submitted their bid package to the prime contractor over four years ago based on technology at that time. Since then, Guild have incorporated vast technological advances in their digester gas collection, treatment, and contaminant removal processes. These improvements have been included in the SWWRF biogas purification system. The advances in technology is consistent with federal, state and local mandates resulting in the cost increase. The payment and performance bond for this equipment is included in this change.

Original Construction Phase Services Contract Amount (approved)	\$64,868,267.00
Additional Construction Phase Services Contract Amount (proposed)	\$4,616,684.28
Amended Total Contract Amount	<u>\$69,484,951.28</u>

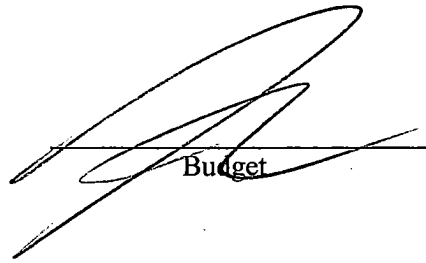
RECOMMENDATION: Administration recommends authorizing the Mayor or his designee to execute Amendment No. 3 to the Construction Manager at Risk Agreement ("CMAR") with the Haskell Company dated December 10, 2014th and authorizing a supplemental appropriation in the amount of \$4,049,316 from the unappropriated balance of the Water Resources Capital Projects Fund (4003), resulting from the second amendment to the State Revolving Fund Loan (WW520630), to the WRF SW Digester Biosolids FY16 Project (15290). Additional design and construction services in a net increase in the amount of \$4,616,684.28 for a total Agreement amount not to exceed 69,484,951.28.

COST/FUNDING/ASSESSMENT INFORMATION: Funds will be available following a supplemental appropriation in the amount of \$4,049,316 from the unappropriated balance of the Water Resources Capital Projects Fund (4003), resulting from the second amendment to the State Revolving Fund Loan (WW520630), to the WRF SW Digester Biosolids FY16 Project (15290). Funds have also been previously appropriated in the Water Resources Capital Projects Fund (4003), to the WRF SW Digester Biosolids FY16 Project (15290) in the amount of \$567,368.28.

ATTACHMENTS: Resolution

APPROVALS:
ds

Byish Prayman
Administrative
for ct


Budget

RESOLUTION NO. 2017- _____

A RESOLUTION ACCEPTING ADDENDUM NO. 1 TO THE GUARANTEED MAXIMUM PRICE ("GMP") PROPOSAL DATED FEBRUARY 3, 2016 IN AN AMOUNT NOT TO EXCEED FOUR MILLION SIX HUNDRED SIXTEEN THOUSAND SIX HUNDRED EIGHTY FOUR DOLLARS AND TWENTY EIGHT CENTS (\$4,616,684.28), FOR A TOTAL GMP AMOUNT NOT TO EXCEED SIXTY NINE MILLION FOUR HUNDRED AND EIGHTY FOUR THOUSAND NINE HUNDRED FIFTY ONE DOLLARS AND TWENTY EIGHT CENTS (\$69,484,951.28); APPROVING THE THIRD AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK AGREEMENT WITH A GUARANTEED MAXIMUM PRICE BETWEEN THE CITY OF ST. PETERSBURG, FLORIDA AND THE HASKELL COMPANY DATED DECEMBER 10, 2014, AS AMENDED; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE THIRD AMENDMENT AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF FOUR MILLION FORTY NINE THOUSAND THREE HUNDRED AND SIXTEEN DOLLARS (\$4,049,316) FROM THE WATER RESOURCES CAPITAL PROJECT FUND (4003), RESULTING FROM THE SECOND AMENDMENT TO THE STATE REVOLVING FUND LOAN (WW520630), TO THE WRF SW DIGESTER BIOSOLIDS FY16 (15290); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 10, 2014, the City and the Haskell Company ("Construction Manager") entered into a Construction Manager at Risk Agreement with a Guaranteed Maximum Price for Pre-construction and Construction Services for the Biosolids to Energy Project ("Contract"); and

WHEREAS, on September 24, 2015, the City and the Construction Manager entered into a First Amendment to the Contract to include additional preconstruction phase services and compensation for the Generator and Electrical Improvements associated with the Biosolids to

Energy Project currently being designed by Black and Veatch and for services associated with State Revolving Fund funding assistance; and

WHEREAS, on February 4, 2016, the City and the Construction Manger entered into a Second Amendment to the Contract to include a Guaranteed Maximum Price ("GMP") of \$64,868,267 and other modifications to the Contract; and

WHEREAS, the City and Construction Manager desire to execute a Third Amendment to the Contract to increase the GMP by an additional \$4,616,684.28 for additional services and modifications related to the splitter box, pipe extensions and biogas purification system for a total GMP not to exceed \$69,484,951.28.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Addendum No. 1 to the Guaranteed Maximum Price ("GMP") proposal dated February 3, 2016, in an amount not to exceed four million six hundred sixteen thousand six hundred eighty four dollars and twenty eight cents (\$4,616,684.28) for a total GMP not to exceed \$69,484,951.28 is hereby accepted.

BE IT FURTHER RESOLVED that the Third Amendment to the Construction Manager at Risk Agreement with a Guaranteed Maximum Price between the City of St. Petersburg, Florida and The Haskell Company dated December 10, 2014, as amended is hereby approved.


BE IT FURTHER RESOLVED that the Mayor or his designee is authorized to execute the Third Amendment and all documents necessary to effectuate this transaction.

BE IT FURTHER RESOLVED that a supplemental appropriation in the amount of \$4,049,316 from the unappropriated balance of the Water Resources Capital Projects Fund (4003), resulting from the second amendment to the State Revolving Fund Loan (WW520630), is hereby approved as follows:


<u>Water Resources Capital Project Fund (4003)</u>	
WRF SW Digester Biosolids FY16 (15290)	\$4,049,316

This resolution shall become effective immediately upon its adoption.

APPROVALS:



City Attorney (designee)



Budget



Administration for or

00344290

**THIRD AMENDMENT TO THE CONSTRUCTION MANAGER
AT RISK AGREEMENT WITH A GUARANTEED MAXIMUM PRICE
DATED DECEMBER 10, 2014**

THIS THIRD AMENDMENT ("Third Amendment") is made and entered into on this _____ day of July, 2017 by and between the City of St. Petersburg, Florida ("City" or "Owner") and The Haskell Company ("Construction Manager").

WHEREAS, on December 10, 2014, the City entered into a Construction Manager at Risk Agreement with a Guaranteed Maximum Price for Pre-construction and Construction Services for the Biosolids to Energy Project ("Contract") with the Construction Manager; and

WHEREAS, on September 24, 2015, the City and the Construction Manager entered into a First Amendment to the Contract to include additional preconstruction phase services and compensation for the Generator and Electrical Improvements associated with the Biosolids to Energy Project currently being designed by Black and Veatch and for services associated with State Revolving Fund funding assistance; and

WHEREAS, on February 4, 2016, the City and the Construction Manger entered into a Second Amendment to the Contract to include a Guaranteed Maximum Price ("GMP") of \$64,868,267 and other modifications to the Contract; and

WHEREAS, the City and Construction Manager desire to execute a Third Amendment to the Contract to increase the GMP in the amount of \$64,868,267 by an additional \$ xxxx.

NOW, THEREFORE, for and in consideration of the mutual promises, covenants, and conditions herein contained and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the City and Construction Manager hereby agree as follows:

1. All capitalized terms in this Third Amendment shall have the same meaning specified in the Contract as amended unless otherwise set forth herein.
2. The GMP Proposal dated XXXXX attached hereto and incorporated herein as Exhibit A, including all attachments thereto, is hereby approved and accepted.
3. Any and all provisions of the Contract as previously amended and not specifically amended by this Third Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the City and Construction Manager have caused this Third Amendment to be executed by their duly authorized representatives on the date first above written.

CITY OF ST. PETERSBURG, FLORIDA

ATTEST

By: _____
Brejesh Prayman, P.E
Director, Engineering and Capital Improvements

Chandrasasa S. Srinivasa, City Clerk

(SEAL)

Approved as to Form and Content:

City Attorney (Designee)

THE HASKELL COMPANY:

By: _____

Print: _____

Title: _____

WITNESSES

By: _____

Print: _____

By: _____

Print: _____