

City of Independence

MEMORANDUM

City Council Office

DATE: October 26th, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Zachary C. Walker, Management Analyst *Zachary Walker*



SUBJECT: **Wastewater Treatment Plant/Pump Stations Improvements
Contract 2**

Before you is an ordinance authorizing the City Manager to enter into an agreement with Whiting-Turner Contracting in the amount of \$20,581,000.00 for Wastewater Treatment Plant modifications and improvements. In accordance with Section 1.43.007 (D) of the City Code, I have reviewed this contract to ensure compliance with the contracting process.

Having reviewed all applicable documentation and actions related to this contract, it is my opinion that this is a satisfactory contract and that all parties have fulfilled their obligations accordingly. An invitation to bid was advertised in the Independence Examiner for three days and in the Daily Record for one day. Bids were opened on August 30th, 2012, with three responses submitted: Whiting-Turner Contracting, Foley Company, and Crossland Heavy Contractors. All three base bids were within a two-percent range of one another, with the Foley Company Submitting the lowest base bid. However, the City also requested bids on four "add alternates" and reserved the ability to select any combination of those four alternates to coincide with the base bid work. It was determined that the bids for alternate two (rehabilitation of primary sludge thickener basin and mixing basin) and alternate three (laboratory remodel) provided a combined total bid that made Whiting-Turner Contracting the low bidder. Alternates two and three were noted as being the priority alternates and projects that could not be completed by City staff. As such, Whiting-Turner is recommended to be awarded this contract.

The references provided by Whiting-Turner Contracting suggest that they have participated in a number of projects, regionally as well as nationally, of similar size and scope to this particular project. Most recently, they were awarded the Little Blue Valley Sewer District-Phase II Atherton Wastewater Treatment Plant Improvements project. All feedback from references was found to be positive with the exception of one notation which cited Whiting-Turner as submitting a large number of change orders on a project, with an average cost of \$200-\$400. Please note that change orders for the Contract 2-Wastewater Treatment Plant improvements and modifications are being authorized in the amount of \$2,058,129.00.

All contract documents have been reviewed and I can find no provisions that would be considered harmful or unacceptable to the City. A bid bond has been submitted as required in the amount of 5% of the contract and the contractor agrees to complete the project within the prescribed timeline or be levied liquidated damages. Finally, the contractor will provide 20% local labor for the project, including a number of subcontractors who have previously completed a variety of work for the City.

Please let me know if you should have any further questions regarding this matter.