

**RESOLUTION APPROVING AWARD OF CONTRACT FOR NEW RECREATION CENTER
AND INFRASTRUCTURE CONSTRUCTION SERVICES
(WORK PACKAGE A)**

NO. 2016-100

WHEREAS, the City of Commerce City (“City”) desires to construct a new recreation center and related infrastructure improvements in the northern part of the City near 112th Avenue and Potomac Street (“Project”);

WHEREAS, the City has engaged in a two-stage formal competitive procurement process to select a qualified firm to provide Construction Manager/General Contractor (“CM/GC”) services for the Project;

WHEREAS, the City’s formal competitive procurement process contemplated the selection of a CM/GC contractor to provide services in two phases, beginning with the selection of a CM/GC contractor to provide pre-construction services for the Project, which services include cost estimating, value engineering, scheduling, logistical planning, constructability analysis, bid package administration, bidding of trade contracts, and the submittal of a guaranteed maximum price proposal for the construction work, and including a second stage of establishing a contract with the CM/GC contractor to provide construction services under a separate contract without further competition, which services include construction management, administration, field supervision, coordinating subcontractors, maintaining quality, meeting schedules and providing the general conditions work for the Project;

WHEREAS, the City Council selected and contracted with Pinkard Construction Co. (“Contractor”) to perform the pre-construction services for the Project in accordance with the terms and conditions of an Agreement for Professional Services, including negotiation of a guaranteed maximum price for construction services;

WHEREAS, the City desires to proceed to the second stage and to award the contract for construction of the Project to the Contractor, on a phased basis, subject to a Guaranteed Maximum Price, commencing with “Work Package A,” which generally includes the construction of roadway and utility infrastructure on Potomac Street and 112th Avenue from Highway 2 to the eastern boundary of the new recreation center site and widening of Highway 2 north of 112th Avenue.;

WHEREAS, the Contractor has proposed a Guaranteed Maximum Price of \$13,753,641 for the performance of Work Package A;

WHEREAS, the City and the Contractor are negotiating the terms and conditions of the construction agreement;

WHEREAS, the cost to the City of the Contractor’s construction services are anticipated to exceed \$250,000.00, and, pursuant to the City’s procurement policies and the City Manager’s commitment to the City Council, the City Council must approve any procurement in excess of \$250,000.00; and

WHEREAS, the City Council hereby finds and determines that the award of the contract for construction services for the Project (Work Package A) to the Contractor is and shall be in the best interest of the residents of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

1. The award of the contract for construction services for the Project (Work Package A) to the Contractor is hereby approved, subject to the successful finalization of the construction services agreement on terms acceptable to the City Manager and not to exceed the proposed guaranteed maximum price;
2. The City Manager is hereby authorized to negotiate and finalize the details of the construction services agreement with the Contractor for the performance of construction services for Project (Work Package A) for an amount not to exceed the guaranteed maximum price of \$13,753,641;
3. Upon successful finalization of the construction services agreement and approval as to form by the City Attorney, the City Manager is hereby authorized to execute, and the City Clerk to attest, the Agreement on behalf of the City of Commerce City;
4. The City Manager is authorized to negotiate and execute amendments to the construction services agreement using a contingency of 5% of the guaranteed maximum price established in this resolution, without further approval of the City Council.; and
5. The City Manager remains authorized to negotiate with the Contractor to perform construction services for Project Work Packages 1, 2 and B without further competition, subject to the approval by the City Council of award to Contractor of such services.

RESOLVED AND PASSED THIS 22ND DAY OF AUGUST, 2016.

CITY OF COMMERCE CITY

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk