



# City of Kansas City, Missouri

## Docket Memo - Revised

Ordinance/Resolution #: 241078

Submitted Department/Preparer: Water

Revised 6/10/24

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

Authorizing a \$29,962,962.00 construction manager at risk Amendment No. 1 to Contract No. 9737 with The Whiting-Turner Contracting Company, for the Water Services Laboratory Remodel and Building Renovation CMAR project for a total contract amount of \$30,012,962.00; authorizing a maximum expenditure of \$33,000,000.00; authorizing a \$1,450,000.00 design professional services contract Amendment No. 2 to Contract No. 9522 pursuant to Code of Ordinance Section 3-7(a)(3) specialized waivers for design professional services contracts with Finkle-Williams, Inc., for the Laboratory Facility Renovations and Modifications project for a total contract amount of \$2,966,000.00; and recognizing this ordinance as having an accelerated effective date.

### Discussion

#### Project Justification

The existing laboratory building, which was constructed over 30 years ago, has multiple deficiencies and no longer effectively meets the requirements of the lab operations. These deficiencies include the roof which has exceeded its life cycle and is in need of replacement; the HVAC system, which has multiple problems and often does not maintain the required temperature and/or humidity controls required for some tests; a layout/floor plan which is not conducive to efficient workflow and operations patterns; some areas are significantly undersized and "landlocked" so they cannot feasibly be expanded; and there are multiple issues throughout the existing building which are not ADA compliant.

In 2023, KC Water's Lab performed over 90,000 analyses in six (6) different areas including general chemistry, organic prep and analysis; metals; taste and odor.

The design for the addition and renovation of the existing building will: a.) improve workflow and efficiency for sample receiving, testing and analyses for lab staff to more effectively perform the tens of thousands of analyses done annually; b.) accommodate the lab's needs for expanded testing that were not in place 30+ years ago; c.) offer

flexibility in the building moving forward to better accommodate future changes and demands; and d.) create a healthier, more inviting work environment which will help with employee retention.

This construction project is using the Construction Manager at Risk (CMAR) project delivery method. The Whiting-Turner Contracting Company is the CMAR partner on this project and worked closely with KC Water and the professional design team to develop the construction documents.

The Whiting-Turner Contracting Company developed 22 bid packages to promote a competitive bidding process to ensure the best pricing for KC Water, they reached out to 398 potential bidders, issued 333 sets of plans, and received 71 bids total. Most of the bid packages had 3 or more bidders.

#### Project Description

This construction manager at risk project with The Whiting-Turner Contracting Group adds approximately 9,500 square feet (s.f.) to the existing 20,500 s.f. building and will provide KC Water with an updated lab facility designed to meet the current mandated sampling and testing requirements and allow flexibility to accommodate future changes. The lab is located at 2 N.E. 32<sup>nd</sup> Avenue, in Kansas City, Clay County, Missouri.

The project is proposed to be built in two (2) phases to reduce disruption to the lab's operations and minimize cost to outsource testing and analyses of samples due to construction.

Phase I will construct the addition which will house all the lab preparation and testing areas. When the construction of the addition is complete, the fume hoods and all of the lab equipment will be moved to the new space, hooked up, calibrated and tested. Then the lab operations will move into this space and Phase II will begin.

Transition to the addition is estimated to take no more than three (3) weeks. The entire construction period for both phases is estimated to take approximately 23 months. This is in part due to long lead times for some large electrical and mechanical equipment.

Phase II includes a gut rehabilitation of the existing building to expand the samples receiving area, bulk storage, offices, conference room, breakroom, restrooms and other support spaces. There will be approximately 6,000 s.f. of unprogrammed space that can be used for training or other functions that support the Water Treatment Plant.

The entire project has been designed to meet LEED Gold standards as required by City Ordinance for City buildings.

This design professional services project with Finkle-Williams, Inc. includes detailed programming, space planning, preliminary design, final design, construction

documents, cost estimates, and evaluation, bid phase services, and project closeout services. The amendment entails construction phase services work.

#### Executed Contract Summaries

The City executed a \$351,000.00 design professional services (DPS) contract with Finkle-Williams, Inc. under Contract No. 9522 on September 21, 2020 for design services for the Laboratory Facility Renovations and Modifications project, which included detailed programming, space planning, preliminary design, final design, construction documents, cost estimates, and evaluation.

City Council passed Ordinance No. 211007 on November 10, 2021 authorizing a \$1,165,000.00 Amendment No. 1 to the design professional services contract with Finkle-Williams, Inc. for the Laboratory Facility Renovations and Modifications project, which was for 100% completion of the bid phase (which was executed by the City on March 24, 2022).

The City executed a \$50,000.00 professional, specialized or technical services (PST) contract with The Whiting-Turner Contracting Company under Contract No. 9737 on April 19, 2023 for the Water Services Laboratory Remodel and Building Renovation Construction Manager at Risk (CMAR) project that included all pre-construction and construction project management services "At-Risk" and with a guaranteed maximum price (GMP) for project delivery relating to the entire spectrum of construction.

This proposed ordinance is for a \$29,962,962.00 Amendment No. 1 construction manager at risk project with the Whiting-Turner Contracting Company. and a \$1,450,000.00 Amendment 2 to the design professional services contract with Finkle-Williams, Inc. for construction phase and project close-out services work.

#### DPS Contract Cost Summary

- |                                    |                       |
|------------------------------------|-----------------------|
| • Original Contract:               | \$351,000.00          |
| • Amendment No. 1:                 | \$1,165,000.00        |
| • <u>Proposed Amendment No. 2:</u> | <u>\$1,450,000.00</u> |
| • Total:                           | \$2,966,000.00        |

#### PST/CMAR Contract Cost Summary

- |   |                        |
|---|------------------------|
| • Original Contract:                    | \$50,000.00            |
| • <u>Proposed CMAR Amendment No. 1:</u> | <u>\$29,962,962.00</u> |
| • Total:                                | \$30,012,962.00        |

#### Term

The term of the DPS contract, including this amendment, is 2,130 calendar days.

The term of the CMAR contract will be approximately 23 months.

### MBE/WBE Goals

The Human Relations Department (HRD, now called CREO KC) established goals of 15% MBE and 13% WBE on the DPS project on June 24, 2019, which pre-dated CREO KC's Annual Goal Program.

CREO KC established goals of 14% MBE and 14% WBE on the CMAR project on April 11, 2022, which pre-dated CREO KC's Annual Goal Program.

### Solicitation

These projects were advertised in accordance with the City's requirements.

Five proposals were received on August 13, 2019 for the Laboratory Facility Renovations and Modifications design professional services project under Contract No. 9522.

### Awardee/Subcontracting Participation

A departmental technical approach selection committee met on December 24, 2019 and consisted of the following individuals:

- Terry Leeds, Director, KC Water
- Sean Hennessy, Chief Financial Officer, KC Water
- D. Matt Bond, Chief Engineering Officer, KC Water

Finkel-Williams, Inc. was recommended for this DPS project with a contract amount of \$351,000.00 with subcontracting participation of 15% MBE and 15% WBE participation.

### Other Bids Received (DPS)

- Davidson Architects
- Piper Wind Architects
- The Clark Enersen Partners
- Wellner Architects, Inc.

For this proposed ordinance, Finkle-Williams, Inc. is being utilized for the amendment pursuant to Code of Ordinance Section 3-7(a)(3), specialized waivers for design professional services contracts, which states in part "Regardless of the initial dollar amount of any design professional contract, the city may elect to utilize the same design professional or a subcontractor thereto on a subsequent design phase or for additional design work without a new qualification based selection process provided that the subsequent phase or additional work is to be performed on the same project for which the design professional was originally selected".

Three proposals were received for the Water Services Laboratory Remodel and Building Renovation CMAR PST project under Contract No. 9737.

### Awardee/Subcontracting Participation

A city wide technical approach selection committee met on August 16, 2022 and consisted of the following individuals:

- Mario Vasquez, Assistant City Manager
- Wes Minder, P.E., Director Water Services
- Jeff Martin, P.E., Chief Engineering Officer Water Services
- Aurora Shields, Utility Officer Water Services
- Blake Anderson, P.E., Facilities & Plants Engineering Division Head Water Services

The Whiting-Turner Contracting Company was recommended for this PST project with a contract amount of \$50,000.00 with subcontracting participation of 14% MBE and 14% WBE participation.

### Other Bids Received (PST)

- JE Dunn Construction Company
- Turner Construction

This project is using the Construction Manager at Risk (CMAR) project delivery method. The Whiting-Turner Contracting Company is the CMAR partner on this project and worked closely with KC Water and the professional design team to develop the construction documents. They developed 22 bid packages to promote a competitive bidding process to ensure the best pricing for KC Water, they reached out to 398 potential bidders, issued 333 sets of plans, and received 71 bids total. Most of the bid packages had 3 or more bidders.

It is therefore recommended that the City move forward to amend the contract with The Whiting-Turner Contracting Company to add construction of the KC Water Lab Renovation and Modifications project with a Guaranteed Maximum Price of \$29,962,962.00.

### Estimated Project Cost

The estimated opinion of probable costs for this project was \$25,000,000.00.

## **Fiscal Impact**

1. Is this legislation included in the adopted budget? ☒ Yes ☐ No

2. What is the funding source?

AL-8082-807710-B-80002229 = \$33,000,000.00

AL-8082-807710-B-80002229 = \$1,450,000.00

## Water Revenue Bonds 2025A

3. How does the legislation affect the current fiscal year?  
This ordinance is supported by the Fiscal Year 25 Water Services Annual CIP.  
Work on this project will be performed during the current fiscal year.
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.  
No.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?  
No.

### Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. ☐ Yes ☒ No
2. This fund has a structural imbalance. ☐ Yes ☒ No
3. Account string has been verified/confirmed. ☒ Yes ☐ No

### Additional Discussion (if needed)

Click or tap here to enter text.

## Citywide Business Plan (CWBP) Impact

1. View the [Adopted 2025-2029 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?  
Infrastructure and Accessibility (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
  - ☐ Engage in thoughtful planning and redesign of existing road networks to ensure safety, access, and mobility of users of all ages and abilities.
  - ☐ Enhance the City's connectivity, resiliency, and equity through a better-connected multi-modal transportation system for all users.
  - ☐ Build on existing strengths while developing a comprehensive transportation plan for the future.

- ☒ Develop environmentally sustainable infrastructure strategies that improve quality of life and foster economic growth.
- ☒ Ensure adequate resources are provided for continued maintenance of existing infrastructure.
- ☐ Focus on delivery of safe connections to schools.

## Prior Legislation

City Council passed Ordinance No. 211007 on November 10, 2021 authorizing a \$1,165,000.00 Amendment No. 1 to the design professional services contract with Finkle-Williams, Inc. for the Laboratory Facility Renovations and Modifications project, which was for 100% completion of the bid phase services, construction phase services, and project closeout services (which was executed by the City on March 24, 2022).

## Service Level Impacts

Frequent high quality testing is federally mandated for the Water, Wastewater, and Stormwater Utilities to meet their regulatory requirements and water quality standards. The lab functioning effectively with quick turn around on samples allows for operation changes to keep the utilities in compliance.

## Other Impacts

1. What will be the potential health impacts to any affected groups?  
This project will facilitate the water, wastewater, and stormwater utilities to meet their level of service commitments maintaining public health.
2. How have those groups been engaged and involved in the development of this ordinance?  
This project takes place on current City property without intruding public right of way.
3. How does this legislation contribute to a sustainable Kansas City?  
By doing laboratory samples in-house, KC Water reduces the drivetime transportation costs as well as the consumption of gasoline, thereby reducing CO2 emissions. Also, the building will be more efficient.
4. Does this legislation create or preserve new housing units?  
No (Press tab after selecting)

N/A

5. Department staff certifies the submission of any application Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), and Letters of Intent to Subcontract (LOIs) to CREO prior to, or simultaneously with, the legislation entry request in Legistar.

Yes - I have submitted documents for CREO Review (Press tab after selecting)  
Please attach or copy and paste CREO's review.

The Contractor Utilization Plan for the DPS project was submitted to HRD review on May 12, 2020, and was approved on May 15, 2020 with 25% MBE and 14% WBE participation.

A Request for Modification was submitted to HRD on June 3, 2021, and was approved on June 22, 2021 modifying subcontracting goals to 24.8% MBE and 10% WBE.

A second Request for Modification was submitted to CREO KC on October 29, 2021, and was approved on November 3, 2021 modifying subcontracting goals to 24% MBE and 15% WBE.

A third Request for Modification was submitted to CREO KC on December 7, 2021, and was approved on December 22, 2021 modifying subcontracting goals to 25% MBE and 14% WBE.

Subcontracting goals will be met with this proposed DPS Amendment No. 2.

The Contractor Utilization Plan for the CMAR project was submitted to CREO KC on October 10, 2024, and was approved on December 5, 2024 with 24% MBE and 17% WBE participation.

There are Affirmative Action Program requirements in these contracts.

6. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

Yes(Press tab after selecting)

List the three (3) lowest bidders in addition to the selected bidder.

- The Whiting-Turner Contracting Company
- JE Dunn Construction Company
- Turner Construction



7. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?  
No(Press tab after selecting)