



## Legislation Details (With Text)

**File #:** 19-296      **Version:** 1      **Name:**  
**Type:** Contract      **Status:** Agenda Ready  
**File created:** 6/6/2019      **In control:** Town Council  
**On agenda:** 6/13/2019      **Final action:**  
**Title:** Award of Construction Manager at Risk Construction Contract for Lincoln Dr, Mockingbird Ln, and Indian Bend Rd Improvements

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Presentation, 2. Contract 19-068\_CMAR-Achen

Date	Ver.	Action By	Action	Result
6/13/2019	1	Town Council	Adopted	Pass

**TO:** Mayor Bien-Willner and Town Council Members

**FROM:** Jill B. Keimach, Town Manager  
Paul Mood, Town Engineer  
Jason Harris, Capital Projects Administrator

**DATE:** June 13, 2019

**DEPARTMENT:** Engineering

### AGENDA TITLE:

**Award of Construction Manager at Risk Construction Contract for Lincoln Dr, Mockingbird Ln, and Indian Bend Rd Improvements**

### RECOMMENDATION:

Authorize the Town Manager to execute the construction manager at risk construction contract with Achen-Gardner Construction LLC in the amount not to exceed \$11,395,891.31, and to waive the 14-day wait period to sign the agreement.

### SUMMARY STATEMENT:

In January 2016, the Town executed a development agreement (DA) and a Special Use Permit (SUP) with Five Star Development Resort Communities, LLC (Five Star) to develop the area encompassed by Lincoln Dr, Mockingbird Ln, and Indian Bend Rd (Project). Per the DA, the Town was tasked with administering both the design and construction contracts for the perimeter roadway improvement project and the Town would be paid by Five Star a 10% Town Management Fee based on 10% of Five Star's cost share for the design and construction (DA section 2.3.5.6).

In May 2016, following a qualification-based selection process for design services, the Town and Five

Star entered into a third-party agreement with TY Lin International (Designer). The final design is anticipated to be completed in June 2019 with the construction to commence this summer.

The construction method chosen by the Town and Five Star is Construction Manager at Risk (CMAR), which is an alternative delivery method over traditional design-bid-build. The Town and Five Star entered into third-party agreement with Achen-Gardner (Contractor) in May 2016 following a qualification-based selection process. The Contractor performed preconstruction services and worked with the Designer, Town, and Five Star to assist with design efforts and construction costs. The Contractor has satisfactorily completed their preconstruction services, solicited bids, and is ready to commence construction along Lincoln Dr, Mockingbird Ln, and Indian Bend Rd, which encompass the Five Star Development Area. The project is anticipated to begin in July 2019 and be completed by June 2020.

Per the DA, the Town and Five Star will each be responsible for their cost share and be responsible for payment to the Contractor and for payment to the Designer for performing post-design services, including but not limited to, review of shop drawings, responses to requests for information from the CMAR, materials testing for quality assurance and as-builts drawings.

**BUDGETARY IMPACT:**

The FY2019/20 Capital Improvement Program budget of \$2,500,000 is for construction, construction administration, and right-of-way acquisition. Contingent on Council's direction, the budget impact for the award of this contract is as follows:

CIP Project #2016-14      \$2,100,000 Construction

Award will be contingent on the FY2019/20 Budget/CIP adoption by Town Council. Five Star will also be required to sign the contract before a notice to proceed will be issued to Achen-Gardner.

**ATTACHMENT(S):**

Presentation

Contract No. 19-068