



## Legislation Text

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**File #:** 19-378, **Version:** 1

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

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

**DATE:** October 24, 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 \$13,200,821.65.

**SUMMARY STATEMENT:**

In January 2016, the Town executed a development agreement (DA) 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 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 November 2019 with the construction to commence in January 2020.

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 a 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.

Construction is anticipated to begin in January 2020 and be completed by the end of February 2021.

**BUDGETARY IMPACT:**

Contingent on Council's direction, the direct budget impact for the award of this contract is as follows:

CIP Project #2016-14      \$2,630,184.35 Construction

Per the DA, the Town and Five Star will each be responsible for their cost share for construction.

**ATTACHMENT(S):**

Contract No. 20-097