



## MEMORANDUM

**TO:** Carl E. Geffken, City Administrator  
**CC:** Jeff Dingman, Deputy City Administrator  
**FROM:** Lance A. McAvoy, Director of Water Utilities  
**DATE:** July 20, 2023  
**SUBJECT:** Final Pay and Close Out of Amendment Number Six to Wastewater Pump Station Flood Damage Remediation-Project 19-29-C4

### SUMMARY

On September 7, 2021, the Board of Directors approved Resolution R-141-21 for the remediation of flood water damage to Pump Station 20 adjacent to North 6th Street and Pump Station 21 on South 98th Circle. The remedial measure resulted in the complete replacement of both pump stations by constructing Pump Station 28 and Pump Station 29. This project is part of the Construction Management at-Risk agreement with Van Horn Construction, Inc., and had the Guaranteed Maximum Price (GMP) of \$6,205,125.00.

This portion of the overall project has been completed. A Resolution authorizing the Mayor to execute a Project Reconciliation Change Request (Change Order One) to the Amendment Number Six of the Agreement, declare Amendment Number Six complete, and authorize the final payment for Amendment Number Six of \$345,448.97 is attached.

The Project Reconciliation Change Request reduces the original GMP by \$137,944.84. The new GMP and actual cost of the project is \$6,067,180.16 (-5.73%). The funding for this project was available through the 2018 Revenue Bond. This project is part of the overall work that will be submitted to FEMA for reimbursement now that all of the projects are completed.

Please contact me should you or members of the Board have any questions or desire additional information.

### ATTACHMENTS

1. [19-29-C4\\_Resolution\\_Final.pdf](#)
2. [19-29-C4 Project Summary.pdf](#)
3. [R-141-21 Amendment 6.pdf](#)
4. [Project Location Map.pdf](#)
5. [Photos.pdf](#)

**FISCAL IMPACT:** \$345,448.97  
**BUDGET INFORMATION:** Budgeted / Water Utilities - 2018 Revenue Bonds

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE PROJECT RECONCILIATION CHANGE ORDER TO THE AGREEMENT WITH VAN HORN CONSTRUCTION, INC., FOR PROVIDING CONSTRUCTION MANAGEMENT SERVICES FOR THE WASTEWATER PUMP STATION FLOOD DAMAGE REMEDIATION PROJECT, DECLARING THE AMENDMENT CLOSED AND AUTHORIZING FINAL PAYMENT

Whereas: An Amendment Six to the Agreement with Van Horn Construction, Inc., for construction management services associated with the Wastewater Pump Station Damage Remediation Project Number 19-29-Construction Management (CM4) by Resolution R-141-21 was approved by the City of Fort Smith Board of Directors in the amount of \$6,205,125.00.

NOW THEREFORE BE RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: Amendment Number Six to the Agreement with Van Horn Construction, Inc., for providing engineering services associated with the Wastewater Pump Station Damage Remediation, Project Number 19-29-CM4, is hereby reconciled to reflect the actual amount of the project (\$6,067,180.16).

SECTION 2: The Agreement with Van Horn Construction, Inc., for providing engineering services associated with the Wastewater Pump Station Damage Remediation, Project Number 19-29-CM4, is accepted as complete.

SECTION 3: The final payment for Amendment Number Six to the Agreement with Van Horn Construction Inc., in the amount of \$345,448.97, is hereby approved.

This Resolution adopted this \_\_\_\_\_ day of August 2023.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
npr

## Project Summary

**Project Name:**  
Wastewater Pump Station Flood  
Damage Repairs and Mitigation

**Project Number:**  
19-29-C4

**Project Status:**  
Complete

**Today's Date:**  
July 20, 2023

**Project Engineer:**  
Hawkins-Weir Engineer, Inc

**Staff Contact Name:**  
Lance McAvoy

**Project Contractor:**  
Van Horn Construction, Inc.

**Staff Contact Phone:**  
479-784-2401

**Notice to Proceed Issued:**  
2/18/2022

	Dollar Amount	Contract Time (Days)
Original Contract Amount:	\$6,205,125.00	365
Change Order 1:	-\$137,944.84	0
Adjusted Contract:	<u>\$6,067,180.16</u>	<u>365</u>
Payments to date (as negative):	-\$5,721,731.19	
Retainage Held	\$0.00	
Liquidated Damages	\$0.00	
Final Payment	\$345,448.97	
Contract Balance Remaining	\$0.00	0.0%

**Final Comments:**

19-29-C4 completed under the GMP by 5.73%; Total Construction for C1 - C5 under ran GMP by 7.73%

R-141-21

## AMENDMENT NO. 6 TO ConsensusDocs® 500

### STANDARD AGREEMENT AND GENERAL CONDITIONS BETWEEN OWNER AND CONSTRUCTION MANAGER

**(Where the Basis of Payment is a Guaranteed Maximum Price with an Option for  
Preconstruction Services)**

Dated September 7, 2021.

Pursuant to Section 3.4 of the Agreement dated October 9, 2019 between the Owner, City of Fort Smith, Arkansas and the Construction Manager, Van Horn Construction, Inc. for Wastewater Pump Station Flood Damage Remediation (the Project), the Owner and the Construction Manager desire to establish a Guaranteed Maximum Price ("GMP") for the Work. Therefore, the Owner and the Construction Manager agree as follows:

#### ARTICLE 1 GUARANTEED MAXIMUM PRICE

The Construction Manager's GMP for the Work, including the Cost of the Work as defined in Article 8 and the Construction Manager's Fee as set forth in Section 7.3, is Six Million Two Hundred Five Thousand One Hundred Twenty-Five Dollars (\$6,205,125).

The GMP is for the performance of the Work in accordance with the exhibit listed below, which is a part of this Agreement.

VHC letter dated August 25, 2021 entitled:

Wastewater Pump Station Flood Damage Repairs and Mitigation Contract 19-29-C4  
PS-28 North 6th Street and PS-29 South 98th Circle  
Guaranteed Maximum Price Amendment 6 Exhibit A

#### ARTICLE 2 DATE OF SUBSTANTIAL COMPLETION

The Date of Substantial Completion will be 365 days from the Notice to Proceed date to work on-site. See VHC Exhibit A dated August 25, 2021.





**ARTICLE 3 DATE OF FINAL COMPLETION**

The Date of Final Completion of the Work is: within thirty (30) Days after the Date of Substantial Completion, subject to adjustments as provided for in the Contract Documents. This Amendment is entered into as of September 7, 2021.

WITNESS: Sherril Gard

OWNER: City of Fort Smith, Arkansas

BY: George McGill

PRINT NAME George McGill 9/20/2021 PRINT TITLE Mayor

WITNESS: Mark Healey

CONSTRUCTION MANAGER: Van Horn Construction, Inc.

BY: Chad Weisler

PRINT NAME Chad Weisler PRINT TITLE President

END OF DOCUMENT.





790 Tyler Road • Russellville, AR 72802  
479.968.2514 \* Fax: 479.968.2570

August 25, 2021

City of Fort Smith Utility Department  
801 Camall Avenue, Suite 500  
Fort Smith, AR 72901

Attn: Mr. Lance McAvoy  
Director of Utilities

Re: Wastewater Pump Station Flood Damage Repairs & Mitigation Contract 19-29-C4  
PS-28 North 6<sup>th</sup> Street and PS-29 South 98<sup>th</sup> Circle  
Guaranteed Maximum Price Amendment 6 Exhibit A

Dear Mr. McAvoy:

Thank you for the opportunity of your valued business. Per your request, we developed a Guaranteed Maximum Price for PS-28 and PS-29. As a basis for the proposal, we utilized the Plans and Specifications developed by Hawkins-Weir Engineers (Project No. 19-29-C4 dated July 2021). There was one addendum issued on August 19, 2021.

**Locations of Work:**

PS-28 North 6<sup>th</sup> Street  
PS-29 South 98<sup>th</sup> Circle

The project was publicly advertised for 2 weeks. The Invitation to Bid was published Sunday, August 1 and Sunday, August 8 in the Arkansas Democrat Gazette, Fort Smith Times Record, and Tulsa World Sun. Invitations to bid were sent out electronically by VHC utilizing Smart Bid, a bid management software. Plans were available for review at the following locations; VHC, Hawkins-Weir, Fort Smith Blueprint, and Southern Reprographics. Plans were also available on-line at the VHC website, Dodge Data & Analytics and Reed Construction Data.

Sub-Contractor/ Vendor Trade Bid Packages were accepted on August 24, 2021 until 10:00 am at the office of Van Horn Construction, Inc. where the bids were publicly opened and read aloud with Mr. Brett Peters, PE of Hawkins-Weir Engineers.

**Our GMP includes the following:**

- 1.) Base Bid for construction activities including all material, labor, equipment, tax, insurance, bond and construction management fee of 5%.

**Our GMP does NOT include the following:**

- 1.) Flood Insurance

- 2.) Project testing. Included in Hawkins-Weir inspection services.
- 3.) Building Permit. City has waived.
- 4.) Bypass pumping. City will continue to utilize their existing bypass equipment.

**Van Horn Construction's recommendation of Subcontractors and Vendors**

We have reviewed the bids that were received and make the following recommendations:

Bid Package 1	Demolition	Ark Wrecking of OK
Bid Package 2	Sitework	Goodwin & Goodwin
Bid Package 3	Redi-Rock Retaining Wall	Second Nature Landscaping
Bid Package 4	Site Utilities	Van Horn Construction
Bid Package 5	Fencing	The Fence Man
Bid Package 6	Concrete	Steve Beam Construction
Bid Package 7	Masonry	Charles Ray Masonry
Bid Package 8	Miscellaneous Steel	Halliday/HME
Bid Package 9	Waterproofing/Joint Sealers	Waterproofing Specialties Co.
Bid Package 10	Painting	Paladino Painting
Bid Package 11	Submersible Pumps	Jack Tyler Engineering/Flygt
Bid Package 12	Activated Carbon Odor Control	ETEC/PureAir Filtration
Bid Package 13	Emergency Generator/ATS	Cummins
Bid Package 14	Electrical & Instrumentation	Harvey-Preston Electric

**Construction Time**

Substantially complete within 365 calendar days from your written Notice To Proceed. Final completion 395 calendar days.

**Guaranteed Maximum Price**

If all the above recommendations are acceptable to the City of Fort Smith Utility Department the Guaranteed Maximum Price for contract 19-29-C4 PS-28 North 6<sup>th</sup> Street and PS-29 South 98<sup>th</sup> Circle is Six Million Two Hundred Five Thousand One Hundred Twenty-Five Dollars, (\$6,205,125).

PS-28	North 6 <sup>th</sup> Street	\$3,385,803
PS-29	South 98 <sup>th</sup> Circle	\$2,819,322
Total		\$6,205,125

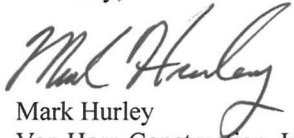
This price will be firm upon Van Horn Construction receiving the signed ConsensusDocs 500 Amendment 6 Document. This document is to be included as an attachment to the ConsensusDocs 500. The GMP is good for 30 days.

Van Horn Construction guarantees that it shall not exceed the GMP of \$6,205,125. VHC does not guarantee any specific line item in the cost breakdown provided as part of the GMP, and has the sole discretion to apply payment due to overruns in one-line item to savings due to underruns in any other line item. VHC agrees, however, that it will be responsible for paying all costs of completing the work which exceeds the GMP, as adjusted in accordance with the Contract Documents. All savings less than the GMP will be passed directly back to the City of Fort Smith Utility Department.

We are in a position to begin construction immediately pending receipt of a Notice to Proceed and the signed ConsensusDocs 500 Amendment 6 Contract Document from the City of Fort Smith.

Please advise if we can be of further service.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Hurley". The signature is fluid and cursive, with the first name "Mark" and last name "Hurley" clearly distinguishable.

Mark Hurley  
Van Horn Construction, Inc.

Cc: Mr. Brett Peters, P.E.; Hawkins-Weir Engineers  
Mr. Barry McCormick, P.E.; Hawkins-Weir Engineers



FORT SMITH, ARKANSAS  
WASTEWATER PUMP STATION FLOOD DAMAGE  
REPAIRS AND MITIGATION  
LOCATION MAP

19-29-C4

SEPTEMBER 2021





Pump Station 20: Photo taken May 28, 2019



Pump Station 28: Photo taken July 24, 2023





Pump Station 21: Photo taken May 28, 2019



Pump Station 29: Photo taken July 21, 2023