

City of Fort Smith
Port Authority Special Meeting
1:30 p.m. October 11, 2019
Bank OZK Building
5401 Rogers Avenue
Fort Smith, Arkansas

MINUTES

The Fort Smith Port Authority held a special meeting at 1:30 p.m. on Friday, October 11, 2019 at the Bank OZK building, 5401 Rogers Avenue, Fort Smith, Arkansas.

The meeting was called to order by Larry Combs, chairperson, at 1:30 p.m. and a quorum was noted present. Other Port Authority members present were Philip Doss, and Eddie Norman. Chad Lane and Dustin Collyge were absent. Others present were Marty Shell of Five Rivers Distribution and Jeff Dingman of the City of Fort Smith.

Mr. Combs noted that the meeting was called to review responses to the Port Authority's Request for Proposals for design-build services to rebuild the Port of Fort Smith. Mr. Dingman interjected and conveyed that through discussion with the City Attorney, the Port Authority (like the City) does not have statutory authority to employ the design-build project delivery method. Therefore, all proposals in response to the RFQ should be rejected. Such motion was made by Mr. Norman, seconded by Mr. Doss, and carried with a unanimous vote.

Mr. Dingman suggested that the Port Authority consider securing professional design services by reviewing Statements of Qualifications for design professionals on file with the City Clerk of the City of Fort Smith. Mr. Norman asked if Studio 6 Architects had such an SOQ on file, to which Mr. Dingman replied that they do. Mr. Doss moved that the Port Authority negotiate a design services agreement with Studio 6 Architects based on the facts that they expressed an interest in the project through participation in one of the rejected design-build proposals and that their SOQ for professional services is on file with the city. Mr. Norman seconded, and the motion carried by unanimous vote.

Similarly, Mr. Dingman indicated that construction management services is a professional service that can be negotiated with qualified individuals that provide Statements of Qualifications and proved to be the best qualified firm for the project. Any contractor with a license in the state can serve as a construction manager, and if they are willing, agree to a contract for services whereby they participate in the design process for value engineering and constructability purposes and then agree to a Guaranteed Maximum Price by contract for delivering the project. Mr. Norman moved that the Port Authority negotiate a contract for construction manager services with Cameron Hubbs of Hubbs Construction based on the facts that he expressed interest in the project through submitting one of the rejected design-build proposals and that he built the remaining bulk storage warehouse at the Port of Fort Smith, and several similar buildings at the Port of Van Buren. Mr. Doss seconded the motion, and the motion carried by unanimous vote.

Next the Port Authority considered Resolution No. 2019-04 extending rent abatement for the Port of Fort Smith through March 31, 2020. Mr. Norman moved approval, Mr. Doss seconded. The motion carried by unanimous vote.

The Port Authority then discussed two grant opportunities upcoming, the Arkansas Waterways Grant and the AEDC Community Assistance Grant. With the Port of Fort Smith needing significant repair, it was decided that the entirety of the repair assessment estimate of \$3.9 million be included with the application for the Arkansas Waterways Grant. It was also decided that the insurance proceeds could be used to provide the 10% matching funds for any grant award received. Mr. Norman moved approval of Resolution No. 2019-05 authorizing application to the Arkansas Waterways Commission Grant. Mr. Doss seconded, and the motion carried unanimously. The deadline for grant submittal is October 17, 2019.

Mr. Shell indicated he had collected three proposals for replacement freight/truck scales at the Port of Fort Smith. They have various prices associated, but the proposals do not all propose the same scope considering warranty offered and freight. The Port Authority asked Mr. Shell to negotiate prices with the vendors and present his recommendation to the Port Authority at the October 31 regular meeting. The scales could be ordered soon thereafter.

Mr. Doss asked to verify that the city has received insurance money for the port. Mr. Dingman indicated that the city has received approximately \$2.7 million on the damaged port property claim, and more is expected. Mr. Doss indicated his interest in getting the funds transferred to the Port Authority's account in order that it might start accruing interest to the Port Authority's benefit.

There being no further business, the meeting adjourned at 2:40 p.m.

Respectfully submitted,



Jeff Dingman
Deputy City Administrator
City of Fort Smith, Arkansas