CITY OF COFFEYVILLE
BOARD OF COMMISSIONERS AGENDA ITEM

MEETING DATE	March 22, 2016	
RESOLUTION OR ORDINANCE NUMBER	R-16-53	
AGENDA TITLE	**A Resolution to authorize execution of a construction contract with Bindewald & Associates, LLC for the 9th Street Sidewalk Improvements project, CDBG Grant Project No. 15-PF-042.**	
REQUESTING DEPARTMENT	Public Works/Engineering	
PRESENTER	Chuck Shively, Director of Public Works	
FISCAL INFORMATION	Cost as recommended:	$395,012.20
	Budget Line Item:	520-5-220-868
	Balance Available	N/A
	New Appropriation Required:	[ ] Yes [X] No
PURPOSE	To authorize execution of a construction contract with Bindewald & Associates, LLC of Slidell, LA for sidewalk and driveway replacement on 9th Street from Camden Street to Hall Street.	
BACKGROUND	On May 26, 2015 the City Commission approved application for a potential $350,000 Special Round CDBG grant from the Kansas Department of Commerce for reconstruction of the sidewalks and driveways on 9th Street from Camden Street to Hall Street. On July 15, 2015 the City was notified that our grant application was successful. On August 11, 2015 the City Commission approved execution of CDBG Grant Agreement No. 15-PF-042 with the Kansas Department of Commerce for a $350,000 CDBG Grant.	

SPECIAL NOTES	The City also previously received a CDBG grant for replacement of the 9th Street roadway surface and curb and gutter, construction of handicap sidewalk ramps at each intersection, and total replacement of the 9th Street and Read Street intersection in the same project area as this project. That project was awarded to Bryant & Bryant Construction, Inc. of Halstead, KS on February 23, 2016. In addition to the street project and the sidewalk project on 9th Street, the City Commission also approved a contract with Nowak Construction of Goddard, KS on February 9, 2016 to replace the water main on 9th Street in the same project area in preparation for the two CDBG projects. That project is currently under construction. The plan is that the three combined projects will replace the water main, replace the entire street surface, replace all of the sidewalks, replace all of the driveway entrances, replace all of the curb & gutter, and construct handicap sidewalk ramps at every intersection on 9th Street from Camden Street to Hall Street. The two CDBG grants from the state total $750,000.00.
ANALYSIS	Design was completed for the sidewalk project and the project was advertised for bids. Bids were opened on March 10, 2016. Five bids were received. A tabulation of the bids received is attached to this staff report. The low bidder was Bindewald & Associates, LLC of Slidell, LA in the amount of $395,012.20. Although Bindewald & Associates is from Louisiana, they are currently working in Coffeyville at the CVR refinery. Since the project is being primarily funded with the CDBG Grant, we are required to award to the low bidder unless there is evidence that the contractor is not competent to complete the project satisfactorily. The regulations prohibit allowance for local preference. Staff spoke to CVR management and they gave a favorable, positive reference. The engineer's recommendation of award is attached to this report. The CDBG Grant will pay for 87.5% of the combined grant administration, engineering, inspection, and construction costs, up to a maximum of $350,000.00 of CDBG funds. The City is responsible for 12.5% of the project costs up to total project costs of $400,000.00 ($50,000.00), plus 100% of costs above that amount.

ANALYSIS (CONTINUED)	It is important to point out that, if this project is awarded to Bindewald, City staff and our engineer will be managing three construction projects, with three different contractors, in the same project area, at the same time. Although this is not an ideal situation, our procurement procedures and the CDBG procurement regulations require us to award to the lowest responsible bidder on each project. We anticipate the possibility of issues arising between the contractors, which we are prepared to manage. Hopefully everything will go smoothly, but I just wanted to give you a heads up about the circumstances under which we will be working.
PUBLIC INFO. PROCESS	N/A
BOARD OR COMMISSION RECOMMENDATION	N/A.
STAFF RECOMMENDATION	Approve the proposed Resolution authorizing execution of a construction contract in the amount of $395,012.20 with Bindewald & Associates. LLC for the 9th Street Sidewalk Improvements Project, CDBG Grant No. 15-PF-042.
REFERENCE DOCUMENTS ATTACHED	• Resolution R-16-53 • Tabulation of bids received • Engineer's Recommendation of Award • Agreement

RESOLUTION NO. R-16-53

A RESOLUTION TO AUTHORIZE THE EXECUTION OF A CONSTRUCTION CONTRACT WITH BINDEWALD & ASSOCIATES, LLC FOR THE 9TH STREET SIDEWALK IMPROVEMENTS PROJECT ON 9TH STREET BETWEEN CAMDEN STREET AND HALL STREET.

BE IT RESOLVED by the Board of Commissioners of the City of Coffeyville, Kansas that the Mayor and City Clerk be and are hereby authorized and directed to execute a construction contract with Bindewald & Associates, LLC in the total amount of $395,012.20 for the 9th Street Sidewalk Improvements project on 9th Street between Camden Street and Hall Street.

ADOPTED THIS 22ND DAY OF MARCH 2016.

_____
Craig C. Powell, Mayor

ATTEST:

_____
Cindy Price, City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
Paul Kritz, City Attorney

9th Street Sidewalk Improvements Project
CDBG Project No. 15-PF-042
Tabulation of Bids Received
Bid Opening Date 03/10/2016

Bidder	**Total Bid**	
Bryant & Bryant Construction	$	550,879.75
RFB Construction	$	476,755.50
Marbery Concrete	$	458,447.00
Jeff Graham Construction	$	412,190.96
Bindewald & Associates	$	395,012.20
Engineer's Estimate	*$*	*539,826.10*

TranSystems
115 S. Sixth Street
Suite B
Independence, KS 67301
Tel 620 331 3999
Fax 620 331 4082
www.transystems.com

March 14, 2016

City of Coffeyville
Chuck Shively
102 W. Seventh Street
Coffeyville, Kansas 67337

RE: 9th Street Sidewalk Improvements

Dear Mr. Shively:

Bids for this project were received on March 10, 2016 at the City Offices in Coffeyville. We received 5 bids for this project.

We have reviewed the bids and it is our recommendation that the City accept the bid submitted by Bindewald & Associates, LLC. of Slidell, Louisiana for the amount of $395,012.20.

Sincerely,

Michael D. Bailey, PE
Project Manager

P112140040

AGREEMENT 00500

THIS AGREEMENT, made this 22nd day of March, 2016, by and between **The**

City of Coffeyville, Kansas, hereinafter called "OWNER" and Bindewalde & Associates doing business

as a _____ hereinafter called "CONTRACTOR".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The CONTRACTOR will commence and complete the construction of **Coffeyville 9th Street Sidewalk Improvements P125150011.**

2. The CONTRACTOR will furnish all of the materials, supplies, tools, equipment, labor and other services necessary for the construction and completion of the PROJECT described herein.

3. The CONTRACTOR will commence the work required by the CONTRACT DOCUMENTS on the date as stipulated in the NOTICE TO PROCEED and will complete all work necessary to open the project to unrestricted traffic on or before August 15, 2016 unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS; the CONCTRACTOR shall complete the permanent seeding, incidental work, final cleanup, and final punch list on or before September 15, 2016.

4. The CONTRACTOR agrees to pay, without condition or recourse, as liquidated damages to the Owner the sum of One Thousand and 00/100 dollars ($1000.00) for each consecutive calendar day after the stated DATE OF COMPLETION or extension thereto that the CONTRACTOR shall be in default as provided in SECTION 15 of the General Conditions. CONTRACTOR further agrees to reimburse the subcontractors, suppliers, engineers, inspectors, and other contractors of the OWNER for costs incurred and/or damages suffered by reason or reasons attributable to the CONTRACTOR's failure to complete the CONTRACT by the completion date, or extensions thereof, as provided by Section 15 of the General Conditions. Said liquidated damages and payments shall be withheld from the payments due the contractor. The CONTRACTOR agrees to perform all of the WORK described in the CONTRACT DOCUMENTS and comply with the terms therein for the sum of _____.

5. The term "CONTRACT DOCUMENTS" means and includes the following:
   - (A) Invitation to Bid
   - (B) Instructions to Bidders
   - (C) Bid
   - (D) Agreement Form
   - (E) General Conditions of the Contract
   - (F) Supplementary Conditions
   - (G) Payment Bond
   - (H) Performance Bond
   - (I) Notice of Award
   - (J) Notice to Proceed
   - (K) Drawings prepared by TranSystems
   - (L) Specifications prepared by TranSystems
   - (M) Addenda:

6. The OWNER will pay to the CONTRACTOR in the manner and at such times as set forth in

the General Conditions such amounts as required by the Contract Documents.

7. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in three (3) copies each of which shall be deemed an original on the date first above written.

OWNER: **City of Coffeyville**

By: _____

Name: Craig C. Powell, Mayor

(SEAL)
ATTEST:_____

Name Cindy Price

Title City Clerk

CONTRACTOR:

_____

_____
_____
_____

By
Name**:** _____
(Please type)

(SEAL)
ATTEST:_____

Name_____

Title_____