## Willamette Water Supply System Commission

# Special Board Meeting Thursday, January 20, 2022 12:00 PM

**Microsoft Teams Meeting** 

Willamette Water Supply System Commission

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### Willamette Water Supply System Commission Special Board Meeting Agenda Thursday, January 20, 2022 | 12:00 – 12:30 PM Microsoft Teams Meeting

If you wish to attend via conference call and need dial-in information, please contact annette.rehms@tvwd.org or call 971-222-5957 by 10:00 a.m. on January 20, 2022. If you wish to address the WWSS Board, please request the Public Comment Form and return it 48 hours prior to the day of the meeting. **All testimony is electronically recorded.** 

#### **REGULAR SESSION – 12:00 PM**

#### CALL TO ORDER

#### 1. PUBLIC COMMENT

This time is set aside for persons wishing to address the Board on items on the Consent Agenda, as well as matters not on the agenda. Additional public comment will be invited on agenda items as they are presented. Each person is limited to five minutes unless an extension is granted by the Board. Should three or more people testify on the same topic, each person will be limited to three minutes.

#### 2. CONSENT AGENDA

These items are considered to be routine and may be approved in one motion without separate discussion. Any Board member may request that an item be removed by motion for discussion and separate action. Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Board has approved those items which do not require discussion.

A. None scheduled

#### 3. BUSINESS AGENDA

A. Approve RES\_1.0/PLM\_5.3 GMP for Construction – *Mike Britch* 

#### 4. INFORMATION ITEMS

A. The next Regular Board Meeting is scheduled on February 3, 2022, via Microsoft Teams

#### 5. COMMUNICATIONS AND NON-AGENDA ITEMS

A. None scheduled

#### ADJOURNMENT

Willamette Water Supply System Commission

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### Willamette Water Supply Our Reliable Water

#### STAFF REPORT

То:	WWSS Board of Commissioners
From:	David Kraska, P.E., Willamette Water Supply System General Manager
Date:	January 20, 2022
Subject:	Recommend Approval of RES_1.0-PLM_5.3 CM/GC Contract Amendment (Contract No. 2021-006 Change Order 6)

#### **Requested Board Action:**

Consider approving a change to the Hoffman-Fowler LLC (Hoffman-Fowler) contract in the amount of \$123,996,794 to incorporate Guaranteed Maximum Price (GMP) No.2 for construction of the RES\_1.0-PLM\_5.3 Project of the Willamette Water Supply Program (WWSP) and drawing \$30,828,413 from Management Reserve to fund the amount above the current Baseline budget.

#### Key Concepts:

- The Hoffman-Fowler contract for construction manager/general contractor (CM/GC) services was executed on December 3, 2020 and was planned to be amended to include two GMPs for construction.
- Project construction has a planned Notice to Proceed (NTP) date of March 3, 2022, and a completion date of March 3, 2025.
- GMP No.1 for early pipe fabrication and an amount of \$19,049,157 was executed on October 26, 2021.
- The proposed GMP No.2 of \$123,996,794, was developed using a competitive, open-book process and includes a 2 percent CM/GC contingency and 5 percent Owner's contingency for changed conditions and potential risks encountered during construction.
- Approval of the proposed contract change and maintaining the necessary contingency budget, the total of which exceeds the current Baseline budget, would result in a draw on the Management Reserve budget in the amount of \$30,828,413.

#### Background:

#### <u>Project</u>

The RES\_1.0 project consists of a new pre-stressed concrete potable water tank, with a nominal capacity of 15 million gallons, located southeast of the intersection of SW Grabhorn Road and SW Stonecreek Drive on Cooper Mountain. The PLM\_5.3 project consists of approximately 21,000 feet of 66-inch diameter welded steel pipeline to convey treated water to and from the RES\_1.0 project. Major scope elements include:

- One nominal 15 million-gallon circular pre-stressed concrete storage reservoir (AWWA D110)
- Site grading, including extensive rock blasting and excavation
- Soil nail and rock bolt reinforcement walls
- Installation of approximately 21,000 feet of 66-inch diameter welded pipe
- One trenchless crossing approximately 140 feet in length

Recommend Approval of RES\_1.0-PLM\_5.3 CM/GC Contract Change Order (Contract No. 2021-006 CO 6) January 20, 2022 Page 2 of 4

3A-1

- Three Bonneville Power Administration high voltage overhead transmission line crossings
- Five creek or stream crossings with in-water work window restrictions

Hoffman-Fowler was selected, through a competitive, best value selection process in Q4 2020, to provide the WWSP CM/GC services for the RES\_1.0-PLM\_5.3 Project. The scope of work (SOW) includes design phase, construction phase, and post-construction services. Only design-phase services and early procurement of pipe, valves, and vaults have been authorized to date. Construction-phase and post-construction services were to be included in this GMP No.2.

#### **Construction Procurement Process**

The bid process for construction was completed in accordance with a procurement plan prepared by Hoffman-Fowler and reviewed by WWSP, including legal counsel. The process included outreach meetings to promote interest and understanding among potential bidders. Four pre-bid meetings were held – one for each of the released request for proposal (RFP) packages. Site visits were restricted due to COVID-19 regulations. RFP packages for 24 separate work packages were developed by Hoffman-Fowler and reviewed by the WWSP. The work packages were organized into the following categories reflecting the basis of selection:

- 2 packages using best value (technical and cost), with prequalification, as the basis of selection; for 1 of these packages Hoffman-Fowler competed to self-perform
- 21 packages using minimum qualifications with the low bid as the basis of selection
- 1 package using low bid among WWSP's prequalified pipeline contractors as a basis of selection and for which Hoffman-Fowler competed to self-perform

WWSP administered key procurement activities, including selections, for the work package for which a partner in the Hoffman-Fowler joint venture planned to submit a competitive bid. The RFP packages were the following:

- Bid Package No.1 Pipe Fabrication (excluding pipe within GMP No. 1)
- Bid Package No.2 Steel Pipe Installation for PLM\_5.3 and RES\_1.0
- Bid Package No.3 Ground Improvements for PLM\_5.3
- Bid Package No.4 All remaining RES\_1.0 Work (total of 21 individual packages)

#### GMP Development and Review

In the CM/GC delivery method, the bid review is an "open book process" where the owners review all of the detailed backup information provided by the CM/GC. Hoffman-Fowler submitted an initial draft GMP on November 10, 2021, and several updates and refinements over the subsequent weeks. A thorough review of the GMP information was completed by WWSP staff and subject matter experts.

Bidder response, as determined by the quantity of bids received for each work package, was moderate. Following submittal of the draft GMP, Hoffman-Fowler was directed to obtain additional bids for several work packages. Extensive outreach was conducted before, during, and following the bidding process to ensure adequate coverage for the bid packages. Bidder participation is consistent with local and national trends experienced during the COVID-19 pandemic. All of the highest value work packages had two to four bidders.

Component	Amount	Basis
Work Packages	\$95,713,473	Competitive procurement process for GMP No.2 (see above)
General Conditions and Bonds	\$15,565,594	Allowable cost types included in the current contract
CM/GC Fee (4.49%)	\$4,994,668	Competitive procurement of CM/GC in 2020; included in the current contract
CM/GC Contingency (2%)	\$2,321,189	Percentage defined in the contract; a systematic review of CM/GC's risks; allowable cost types included in the current contract
Owner's Contingency (5%)	\$5,401,870	Percentage defined in the contract; a systematic review of owner's risks; allowable cost types included in the current contract
Total	\$123,996,794	

The table below summarizes the components of GMP No.2 and the basis for each component.

WWSP has implemented numerous actions to manage the cost of the RES\_1.0-PLM\_5.3 project. During the CM/GC procurement, cost was a major component of the selection process. CM/GC fees, bonds and insurance rates, and rates for key professional staff were established through that competitive process. The CM/GC contingency and Owner's contingency percentages were also established in the contract. During the design phase, the design consultant, CM/GC, and WWSP staff engaged in extensive value engineering. Additional geotechnical evaluations at the RES\_1.0 site were completed to inform the design and bidding. The steel pipe and valves were procured early (under GMP No.1) to avoid markups from the pipeline installation subcontractor and the pipeline installation work package transitioned from best value to low bid selection to reduce cost. An intergovernmental agreement was established to enable fill to be left in place in the staging area adjacent to the RES\_1.0 site to reduce the cost of site restoration. During the development of the GMP, CM/GC construction staffing levels were negotiated early; bidder outreach was extensive; open-book competitive bidding was used; sealed-bids were required for potential self-perform work; supplemental bids were sought for packages with low responsiveness; best and final offers were obtained for selected packages; prices were negotiated downward; and the process and results were subjected to a comprehensive review.

#### **Budget Impact**

The following is a summary of GMP No.1 and No.2 compared to the current Baseline Budget:

Cost Item	Total
GMP No.1* – Executed 10/26/21	\$19,334,637
GMP No.2*	\$123,996,794
Project contingency budget**	\$4,299,943
Project Subtotal	\$147,631,374
Current Budget (Baseline 6.1)	\$116,802,961
Amount over Baseline 6.1 Budget and Proposed Draw on	\$30,828,413
Management Reserve	
*Contingency includes:	
CM/GC contingency $-2\%$ (held within the contract)	
Owner's contingency $-5\%$ (held within the contract)	
**Project contingency budget – 3% (held outside contract but ind	cluded in Baseline 7.0)
Totals may not sum due to rounding	

Page 4 of 4

The following is a summary of the estimated share of the total GMP No.2 cost (including project contingency) by WWSS partner:

Estimated Partner Share	Total
TVWD Estimated Share <sup>1</sup>	\$64,832,464
Hillsboro Estimated Share	\$56,365,007
Beaverton Estimated Share	\$7,099,265
<sup>1</sup> Based on overall project ownership percentage from Baseline 6.1 budget and WW	SS IGA.

Primary drivers for the increase in cost of construction fall within two categories: market conditions (\$28.9 million) and unique scope elements/additions (\$1.9 million). Within the market conditions category, the cost drivers were labor shortage, increased transportation cost, supply chain disruption, and compounding escalation from material and market uncertainty. Within unique scope elements and additions, the cost drivers are landscaping requiring rock excavation, vinyl fencing per the land use requirements, higher unit prices due to small size of water quality building, and a second retaining wall added to design.

Potential cost savings opportunities have been identified, including use of mobile crane versus a tower crane (\$450,000), potential rock reuse (\$558,000), reduction in project duration by three months (\$500,000), and obtaining additional bids for fencing and site concrete (\$200,000). WWSP will continue to develop these opportunities with Hoffman-Fowler.

An update to the overall RES\_1.0-PLM\_5.3 project budget, reflective of GMP No.1 and No.2, is anticipated to be included within the forthcoming annual update to the WWSP Baseline budget. The amount above the current Baseline (\$30,828,413) will be funded from Management Reserve.

#### Staff Contact Information:

David Kraska, P.E., WWSP Program Director; 503-941-4561; david.kraska@tvwd.org Mike Britch, P.E., WWSP Engineering & Construction Manager; 503-941-4565; mike.britch@tvwd.org

#### Attachment:

• Hoffman-Fowler Change Order 6 to Agreement 2021-006 with PCO Form

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Change Title:	GMP 2 Incorporation
Project:	RES_CMGC
То:	HOFFMAN-FOWLER, LLC

Change Order# 6 Date: 1/11/2022 Contract # 2021-006

The following PCOs are hereby incorporated into the Contract:

PCO#	Description	Time Impact (Days)	Change Amount
PCO - 9	GMP 2 Incorporation	0	\$123,996,792.87
The Original	Contract Sum was		\$862,270.00
Net Change	by Previously Authorized Requests and Changes		\$19,334,637.05
The Contract	: Sum Prior to this Change Order was		\$20,196,907.05
The Contract	: Sum will change by		\$123,996,792.87
The New Co	ntract Sum including this Change Order		\$144,193,699.92
The Contract	: Time will change by		0 Days
The Date of	Contract Completion as of this Change Order Therefore	e is	3/3/2025

The compensation amount of this Change Order, including time and price, comprises the total compensation due the Contractor, its Subcontractors, Suppliers, or any other party for whom Contractor is responsible, for the work or change defined in the Change Order, including impact on unchanged Work, and is all inclusive of any additional costs incurred by the Contractor to date. By executing this Change Order, the Contractor acknowledges and agrees on behalf of itself, its Subcontractors, Suppliers, and any other party for whom Contractor is responsible, that the stipulated compensation includes payment for all work contained in the Change Order, plus all payment for the interruption of schedules, extended field overhead costs, delay, and any costs resulting from, arising out of, in connection with, or impacting all other Work under this Contract. The execution of this Change Order constitutes full satisfaction and total equitable adjustment for the change. No further claim or request for equitable adjustment of any type for any reasonably foreseeable cause shall arise out of or as a result of this Change Order on the remainder of the Work under this Contract. All rights, without exception or reservation of any kind whatsoever, to file any further claim related to this Change Order are hereby waived.

#### OWNER

Ву:	Ву:
Name:	Name:
Title:	Title:
Date:	Date:

#### PCO-9 Contract No. 2021-006 RES\_1.0-PLM\_5.3 Construction Manager/General Contractor Services

As per Section 4.03 of the Contract this PCO is to incorporate GMP 2 as per the attached documents:

- WWSP--Combined Escalation Tab and Backup for GMP 12.6.21.pdf
- GMP Narrative--REV 4--FINAL FOR GMP--1.10.22.pdf
- GCs and Hoisting--REV 13--Final for GMP--12.6.21.xlsx
- WWSP GMP Summary Final-Rev 1-12.23.21.pdf
- WWSP-Final Bid Comparisons for GMP 12.6.21.pdf
- Yet to Buy Summary and Backup for GMP 12.6.21.pdf

Contract Amendment Section 5 - Contingency

5.08 Escalation Contingency - An allowance for cost escalation is included in the GMP for specific work packages where there is a long duration between the subcontractor/supplier quote that is included as the basis for the GMP and the actual executed contract or purchase order amount or where subcontractors/suppliers would not hold their quotes for the requested period. This allowance is titled "Material Escalation Allowance RES\_1.0". The use of these funds must include, but not limited to, the following back up: Original Quote stating the material costs subject to escalation, New quote stating the new material costs due to escalation. The difference is to be covered by this contingency. This contingency shall not be used for labor increases.

\*\*\*\*Note commitment items in the change order are entered at the bid package level and are shown as lump sum for the purposes of invoice administration and use of e-Builder. Actual costs shall be billed per contract documents and are not to be treated as lump sum unless approved by the WWSP. It is expected Hoffman-Fowler LLC will develop a detailed schedule of values that roll up to these bid packages and the invoice will be based on actual cost and will have the supporting documentation as per the contract documents. \*\*\*\*\*

Item	Description	Quantity	Units	<b>Unit Price</b>	Net Amount
032	CM/GC Fee PLM_5.3	0.0000	LS	\$ 0.00	\$2,202,253.22
033	CM/GC Contingency PLM_5.3	0.0000	LS	\$ 0.00	\$1,025,346.94
034	Owner Contingency PLM_5.3	0.0000	LS	\$ 0.00	\$2,389,237.65
043	CM/GC Fee RES_1.0	0.0000	LS	\$ 0.00	\$2,792,415.10
044	CM/GC Contingency RES_1.0	0.0000	LS	\$ 0.00	\$1,295,841.96
045	Owner Contingency RES_1.0	0.0000	LS	\$ 0.00	\$3,012,632.00
48	Pipeline Installation PLM_5.3	0.0000	LS	\$ 0.00	\$39,332,000.00
49	Pipeline Installation RES_1.0	0.0000	LS	\$ 0.00	\$1,700,000.00

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50	Ground Improvements PLM_5.3	0.0000	LS	\$ 0.00	\$1,959,700.00
51	Material Escalation Allowance RES_1.0	0.0000	LS	\$ 0.00	\$662,600.00
52	General Conditions PLM_5.3	0.0000	LS	\$ 0.00	\$4,148,770.00
53	General Conditions RES_1.0	0.0000	LS	\$ 0.00	\$4,149,035.00
54	Job Requirements PLM_5.3	0.0000	LS	\$ 0.00	\$2,344,283.00
55	Job Requirements RES_1.0	0.0000	LS	\$ 0.00	\$2,344,432.00
56	Bonds PLM_5.3	0.0000	LS	\$ 0.00	\$393,902.00
57	Bonds RES_1.0	0.0000	LS	\$ 0.00	\$398,090.00
58	Builders Risk Insurance PLM_5.3	0.0000	LS	\$ 0.00	\$264,865.00
59	Builders Risk Insurance RES_1.0	0.0000	LS	\$ 0.00	\$267,681.00
60	General Liability Insurance PLM_5.3	0.0000	LS	\$ 0.00	\$604,436.00
61	General Liability Insurance RES_1.0	0.0000	LS	\$ 0.00	\$610,862.00
62	CAT/METRO Tax PLM_5.3	0.0000	LS	\$ 0.00	\$19,485.00
63	CAT/METRO Tax RES_1.0	0.0000	LS	\$ 0.00	\$19,753.00
64	Earthwork & Utilities RES_1.0	0.0000	LS	\$ 0.00	\$19,466,280.00
65	Soil Nail Retaining Wall RES_1.0	0.0000	LS	\$ 0.00	\$1,897,090.00
66	Concrete RES_1.0	0.0000	LS	\$ 0.00	\$10,465,126.00

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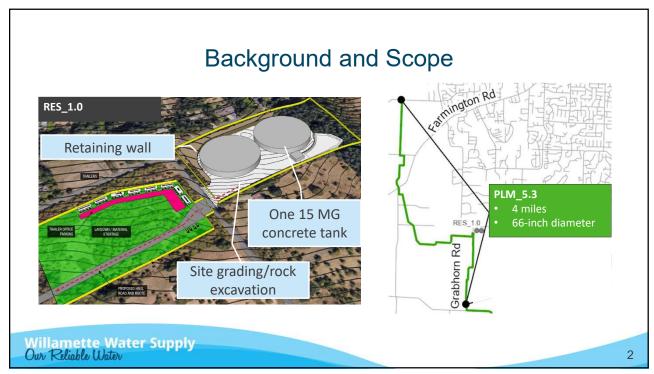
67	Prestressed Concrete Reservoirs RES_1.0	0.0000	LS	\$ 0.00	\$3,357,400.00
68	Masonry RES_1.0	0.0000	LS	\$ 0.00	\$195,835.00
69	Structural Steel & Misc. Iron RES_1.0	0.0000	LS	\$ 0.00	\$1,271,333.00
70	Woods, Plastics & Composites RES_1.0	0.0000	LS	\$ 0.00	\$38,488.00
71	Damproofing & Waterproofing RES_1.0	0.0000	LS	\$ 0.00	\$51,290.00
72	Metal Roof Panels RES_1.0	0.0000	LS	\$ 0.00	\$157,640.00
73	Doors, Frames & Hardware RES_1.0	0.0000	LS	\$ 0.00	\$73,640.00
74	Overhead Coiling Doors RES_1.0	0.0000	LS	\$ 0.00	\$17,879.00
75	Drywall RES_1.0	0.0000	LS	\$ 0.00	\$95,936.00
76	Paints & Coatings RES_1.0	0.0000	LS	\$ 0.00	\$278,673.00
77	Signage RES_1.0	0.0000	LS	\$ 0.00	\$20,250.00
78	Misc. Specialties RES_1.0	0.0000	LS	\$ 0.00	\$1,600.00
79	Fire Suppression RES_1.0	0.0000	LS	\$ 0.00	\$24,650.00
80	Plumbing RES_1.0	0.0000	LS	\$ 0.00	\$2,998,224.00
81	HVAC RES_1.0	0.0000	LS	\$ 0.00	\$140,468.00
82	Electrical RES_1.0	0.0000	LS	\$ 0.00	\$4,108,525.00
83	Site Concrete RES_1.0	0.0000	LS	\$ 0.00	\$195,796.00

Total				\$	123,996,792.87
87	General Requirements RES_1.0	0.0000	LS	\$ 0.00	\$5,710,432.00
86	Construction Phase I	0.0000		\$ 0.00	\$ 0.00
85	Landscaping & Irrigation	0.0000	LS	\$ 0.00	\$946,048.00
84	Chain Link Fences and Gates	0.0000	LS	\$ 0.00	\$546,569.00

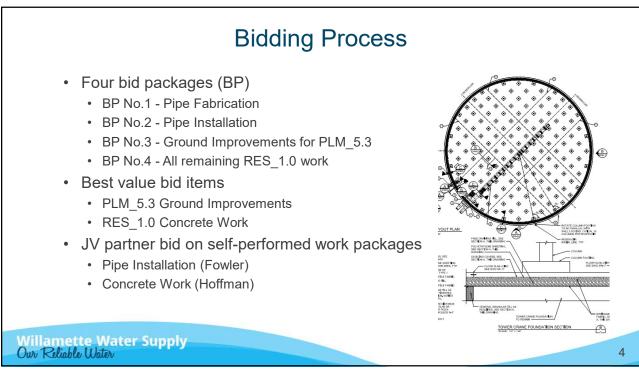
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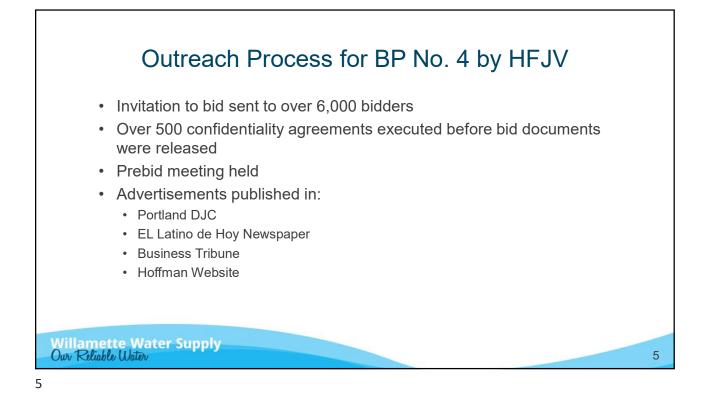
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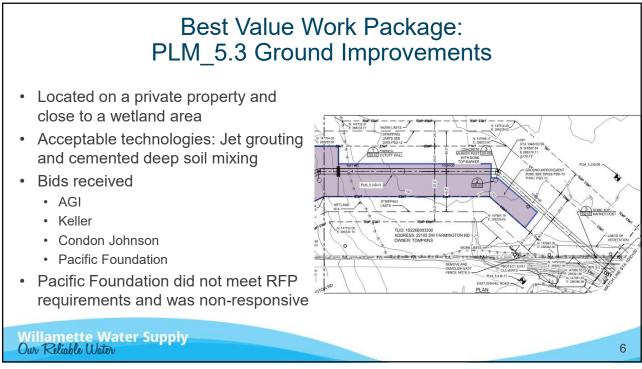








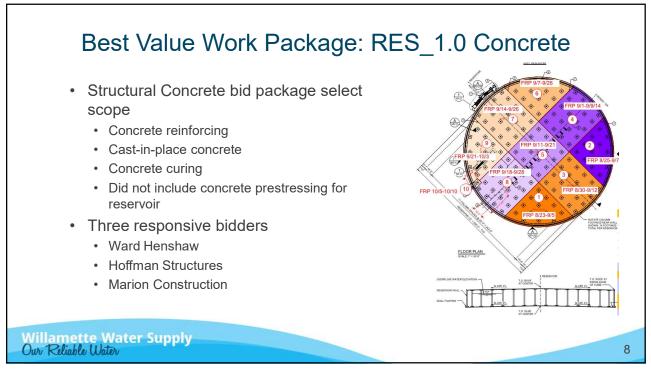


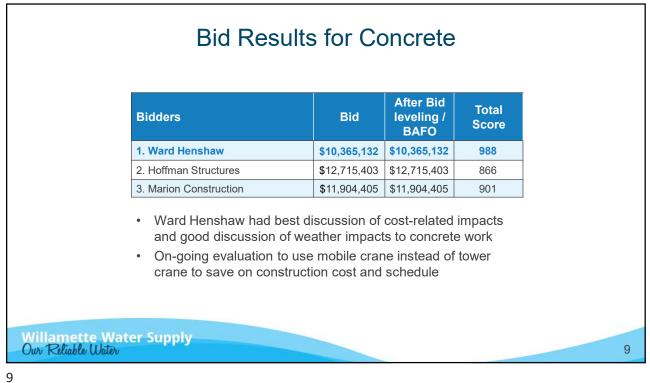


Bid Results for Ground Improvement	3
Bidders Bid Bid Bid Bid BAFO	
1. AGI \$1,575,600 \$1,959,700 912	
2. Keller \$2,458,796 \$2,458,796 897	
3. Condon Johnson \$2,996,343 \$2,996,343 753	
4. Pacific Foundation N/A N/A N/A	

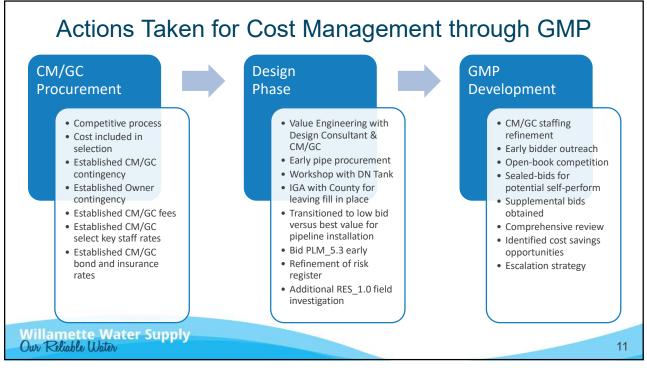
• Bid leveling required for scope exclusions: removal of topsoil, barn demolition, building and restoration of access pad

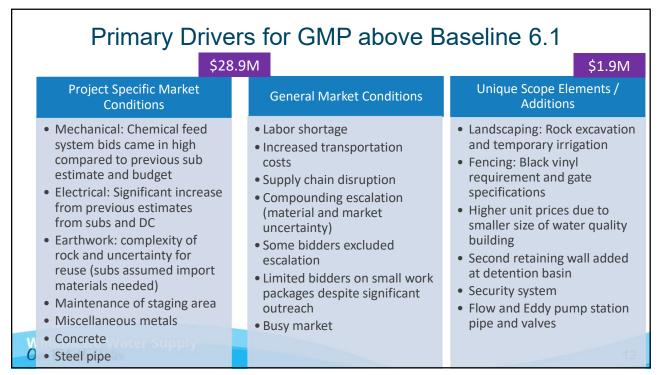
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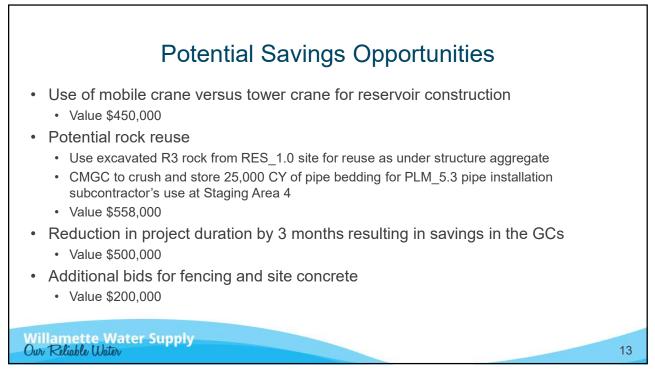




Final GMP vs. Baseline 6.	1 Budget
Cost Item	Total
GMP No.1* – Executed 10/26/21	\$19,334,637
GMP No.2*	\$123,996,794
Project contingency budget**	\$4,299,943
Project Subtotal	\$147,631,374
Current Budget (Baseline 6.1)	\$116,802,961
Amount over Baseline 6.1 Budget and Proposed Draw on Management Reserve	\$30,828,413
Funding proposed through draw on Management Reserve. Current bal Management Reserve balance after this proposed draw would be \$14. *Contingency includes: • CM/GC contingency – 2% (held within contract)	









15

### **Requested Board Action**

Consider approving a change to the Hoffman-Fowler, LLC contract (Contract 2021-006) in the amount of \$123,996,794 to incorporate Guaranteed Maximum Price No. 2 for the construction of the RES\_1.0/PLM\_5.3 project of the Willamette Water Supply Program and drawing \$30,828,413 from Management Reserve to fund the amount above the current Baseline budget.

*Current Management Reserve balance is \$45.48M and remaining balance would be \$14.68M. Continued analyses of financial impact of prevailing market conditions on overall WWSS cost (Baseline 7.0 release on Jan 31, 2022).* 

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### Willamette Water Supply System Commission Special Board Meeting

January 20, 2022