Council Meeting Date: January 26, 2021 **Staff Report**

Subject: Pack Square Park SPLASHEVILLE Fountain Restoration Project- Design Build Contract Amendment

Staff Resource(s): Jade Dundas, Capital Projects Director

Action Requested: Adoption of a resolution authorizing the City Manager to execute an amendment to the design-build contract with WPLaw Incorporated, Fountains Division, of Lexington, SC, for the Pack Square Park SPLASHEVILLE Fountain Restoration Project.

Background:

- WPLaw Incorporated was selected as the design-build contractor through a Request for Qualifications(RFQ) process which required that teams submitting proposals show a thorough understanding of fountain operation and maintenance and a list of projects which they had previously completed.
- As allowed by State Statute, the City Manager approved the design-build construction method and the initial assessment phase of this project.
- Design-build was recommended as it will provide the most expeditious method of project completion and the best possibility of opening Splashville by Summer 2021.
- The three Pack Square Park Fountains were assessed by WPLaw in Fall 2020 as part of the initial design-build contract.
- In addition to all three fountains being in disrepair, the Mid-Block fountain and the Splasheville fountain are inoperable.
- Due to funding limitations, repairs can only be made on one fountain at this time.
- Parks and Recreation Department staff have prioritized the Splasheville fountain to be restored with the current available funding.
- This fountain has been prioritized because it is a recreational attraction for families and needs to be capable of operating during the 2021summer season.
- Future funding availability will allow for the other fountains to be repaired which may be completed as an amendment to this design-build contract.
- Splasehville repairs include general maintenance items such as pump and controller replacement and full replacement of the jets and lighting.
- The work is estimated to start in April and will take approximately four months to complete.

Vendor Outreach Efforts:

- Outreach for the original contract included staff performing outreach to minority- and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- No MWBE firms submitted bids with this prime contractor and all work will be self-performed by the prime contractor as a result there are no subcontracting opportunities available.

Council Goal(s):

- A well planned and livable community.

Committee(s):

- Currently the Parks and Recreation Advisory Board is not meeting due to COVID.

Pro(s):

- This contract amendment will restore a highly used downtown amenity to working order.
- The new equipment will provide a more reliable fountain feature.

Con(s):

- Current funding does not allow for the repair of all three fountains

Fiscal Impact:

- Funding for this contract is included in the Pack Square maintenance budget in the Parks and Recreation Department's Adopted General Fund budget.

Suggested Motion:

- Motion to adopt a resolution authorizing the City Manager to execute an amendment to the executed design-build contract with WPLaw, Incorporated, in the amount of $237,835 for the Pack Square Park SPLASHEVILLE Fountain Restoration Project; with further authorization for the City Manager to execute any change orders that may arise during the remainder of the project up to the amount of $23,800 (10%) for total design build contract amount not to exceed $261,635.

Attachments:

- Resolution
- Map of project

RESOLUTION NO. 21-_____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT AMENDMENT WITH WPLAW FOUNTAIN DIVISION, INC. FOR THE PACK SQUARE PARK SPLASHEVILLE FOUNTAIN RESTORATION PROJECT.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-128.1A, the City passed resolution No.16-45 establishing criteria for determining when the design build method is appropriate. This criteria was described and approved for the Pack Square Park Splasheville Fountain restoration project, City of Asheville; and

WHEREAS, the WPLAW, Inc., shall provide all design, labor, materials, and equipment for the project; and

WHEREAS, the amount of the contract amendment is $237,835, and funding for the project is allocated within the Parks and Recreation General Fund budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract amendment with WPLAW, Inc. in the amount of $237,835, for the Pack Square Park Splasheville Fountain restoration project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $23,800 (10%) for total design build contract amount not to exceed $261,635.

Read, approved, and adopted this the 26th day of January 2021.

_____ _____

City Clerk Mayor

Approved as to form:

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City Attorney

Map of Project



Pack Square Park SPLASHEVILLE