

Board of Park Commissioners Project Summary

**Franke Park Renaissance
Phase 1 Project
Construction Manager Contract
Project No: 221007**

Project Approval Request

Scope of Work:

This is a request for approval of an amended contract with our Construction Manager as Constructor (CMc), Michael Kinder and Sons, for construction services for the Phase 1 Franke Park Renaissance Project. The CMc will enter into an amended contract to serve as the construction manager during the construction of the Project. The CMc will assume the risk of delivering the Project through a guaranteed maximum price contract. The CMc will be responsible for construction means and methods and collaborated with Fort Wayne Parks to determine prequalified subcontractors to solicit bids from prequalified subcontractors to perform the work. There were sixteen (16) total bid packages for 1st tier contractors to bid on.

Funding Source: Park Capital Fund, ARPA Grant, Parks Bond, Private Donation

Board Approval:

On February 7th Michael Kinder and Sons released bid documents for this project to all pre-qualified contractors and sub-contractors. Bids were received on Tuesday, March 7th at the offices of the Fort Wayne Parks and Recreation Department.

After a review of the base bids and all alternates, we would like to recommend acceptance of the Guaranteed Maximum Price (GMP) from Michael Kinder & Sons in the amount of \$22,881,344.60 and request approval of an amended contract for \$22,881,344.60 with Michael Kinder & Sons. Please see the attached contract amendment for details.

The Fort Wayne Parks and Recreation and the Board of Park Commissioners, met to host their regularly scheduled monthly Board meeting on **April 13, 2023**, to approve the above-referenced project and amended contract, in the amount of **\$22,881,344.60**.

We, the Board of Park Commissioners, on the date stated do ATTEST, sign to the above-referenced and attached documents, and approve as presented.

Justin Shurley, President

Cory Miller, Vice President

Richard Briley, Commissioner

Jenna Jauch, Commissioner

Steve McDaniel, Director/Board Secretary

AMENDMENT NO. 1 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 3/13/2023

Pursuant to Section 3.4 of the Agreement dated March 8, 2022 between the Owner, Fort Wayne Parks & Recreation; 705 E State Blvd, Fort Wayne, IN 46805 and the Construction Manager, Michael Kinder & Sons, Inc., an Indiana corporation, located at 5206 Decatur Road, Fort Wayne, Indiana 46806 for Franke Park Renaissance Project | Phase I; 3900 Sherman Blvd; Fort Wayne, IN 46808, 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 Twenty-Two Million, Eight Hundred Eighty-One Thousand, Three Hundred Forty-Four Dollars and Sixty Cents (\$22,881,344.60).

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

EXHIBIT A | Drawings and Specifications Summary, including Addenda (dated 3/8/2023) - 1 page

EXHIBIT B | Final Bidding with Accepted Alternates (dated 3/9/2023) – 2 pages
Includes: Allowance Items, Assumptions & Clarifications, Unit Prices, and Work to be Self-Performed.

EXHIBIT C | Tentative Schedule (dated 2/13/2023) – 2 pages (The final schedule is to be finalized and agreed upon by owner and construction manager once final materials have been purchased and current procurement dates established.)

ARTICLE 2 DATE OF SUBSTANTIAL COMPLETION

The Date of Substantial Completion of the Work is October 25, 2024 – Based on an 18 month construction duration (4/12/2023 – 10/25/2024). The final schedule is to be finalized and agreed upon by owner and construction manager once final materials have been purchased and current procurement dates established.



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ARTICLE 3 DATE OF FINAL COMPLETION

The Date of Final Completion of the Work is: December 25, 2024, subject to adjustments as provided for in the Contract Documents.

This Amendment is entered into as of March 13, 2023.

OWNER: Fort Wayne Parks & Recreation

BY: _____ NAME: Steve McDaniel TITLE: Director of Parks

DESIGN BUILDER: Michael Kinder & Sons, Inc.

BY: _____ NAME: William A. Kinder TITLE: CEO

END OF DOCUMENT.





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SPY RUN CREEK RESTORATION PHASE 2

The construction of Spy Run Creek Restoration Phase 2 is to be included as part of the project scope under the Construction Manager. The set of drawings was previously prepared by another design team but are mentioned here for reference. See PL10.4 for Mitigation Plan of this area.

INCLUDED DOCUMENTS

DESIGN COLLABORATIVE CONSTRUCTION DOCUMENTS (left)
 ISSUE DATE - 02/02/2023

ADDENDA - ISSUED BY DESIGN COLLABORATIVE

- Addenda 01 - dated 02/20/2023
- Addenda 02 - dated 02/24/2023
- Addenda 03 - dated 03/03/2023

PROJECT MANUAL as prepared by Design Collaborative
 Dated 02/02/2023

GENSIC ENGINEERING, INC - CIVIL DRAWINGS (below)
 ISSUE DATE - 01/19/2016

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MKS | EXHIBIT B - 2 pages

Franke Park Renaissance-PHASE 1
Final Bidding (with accepted alternates)
 03.09.23

Bid Package		Best Bid Bidder
Bid Package 03a-Bldg Concrete	\$ 831,000.00	MKS
Bid Package 03b-Polished Concrete	\$ 61,000.00	Dancer
Bid Package 04a-Masonry	\$ 1,220,000.00	Hagerman
Bid Package 06a-General Trades	\$ 2,604,800.00	MKS
Bid Package 07g-Roofing	\$ 409,000.00	Schust
Bid Package 08d-Curtainwall	\$ 307,000.00	Hall Aluminum
Bid Package 10f-Signage	\$ 34,050.00	Baldus/Allowance
Bid Package 23a-Mechanical	\$ 1,260,075.00	A. Hattersley
Bid Package 23b-Fire Protection	\$ 96,652.00	VFP Fire Protection
Bid Package 26a-Electrical	\$ 1,305,000.00	LA Electric
Bid Package 31-Earthwork	\$ 5,375,630.00	Fox Contractors
Bid Package 32b-Asphalt	\$ 1,136,332.00	Wayne Asphalt
Bid Package 32c-Ornametal Landscaping	\$ 2,118,550.00	Clounie Landscaping
Bid Package 32d-Restoration Landscaping	\$ 272,500.00	Clounie Landscaping
Bid Package 32e-Site Concrete	\$ 593,000.00	MKS
Bid Package 32f-Bridge	\$ 2,236,596.92	Milestone Construction
Cost of Work	\$ 19,861,185.92	
Allowances		
Contingency Allowance	\$ 500,000.00	
Escalation Allowance (use contingency)	\$ -	
Stone Paving Allowance	\$ 100,000.00	
Testing Allowance (Alt Witzig)	\$ 67,000.00	
COFW Utilities Tap fees/assessment fees	\$ 10,000.00	
Interior Signage Allowance	\$ 10,000.00	
Temporary Winter Enclosures	\$ 50,000.00	
Temporary Heating Allowance	\$ 30,000.00	
FFE (50 tables, 400 chairs, soft at fireplace)	\$ -	
TOTAL ALLOWANCES	\$ 767,000.00	
MKS		
MKS Insurances	\$ 51,570.46	
MKS General Conditions/Requirements	\$ 1,168,259.00	
MKS Fee (3.95%)	\$ 862,996.61	
TOTAL MKS	\$ 2,082,826.07	
P&P Bonds	170,332.61	
Grand Total (Base Bid + Accepted Alternates)	\$ 22,881,344.60	

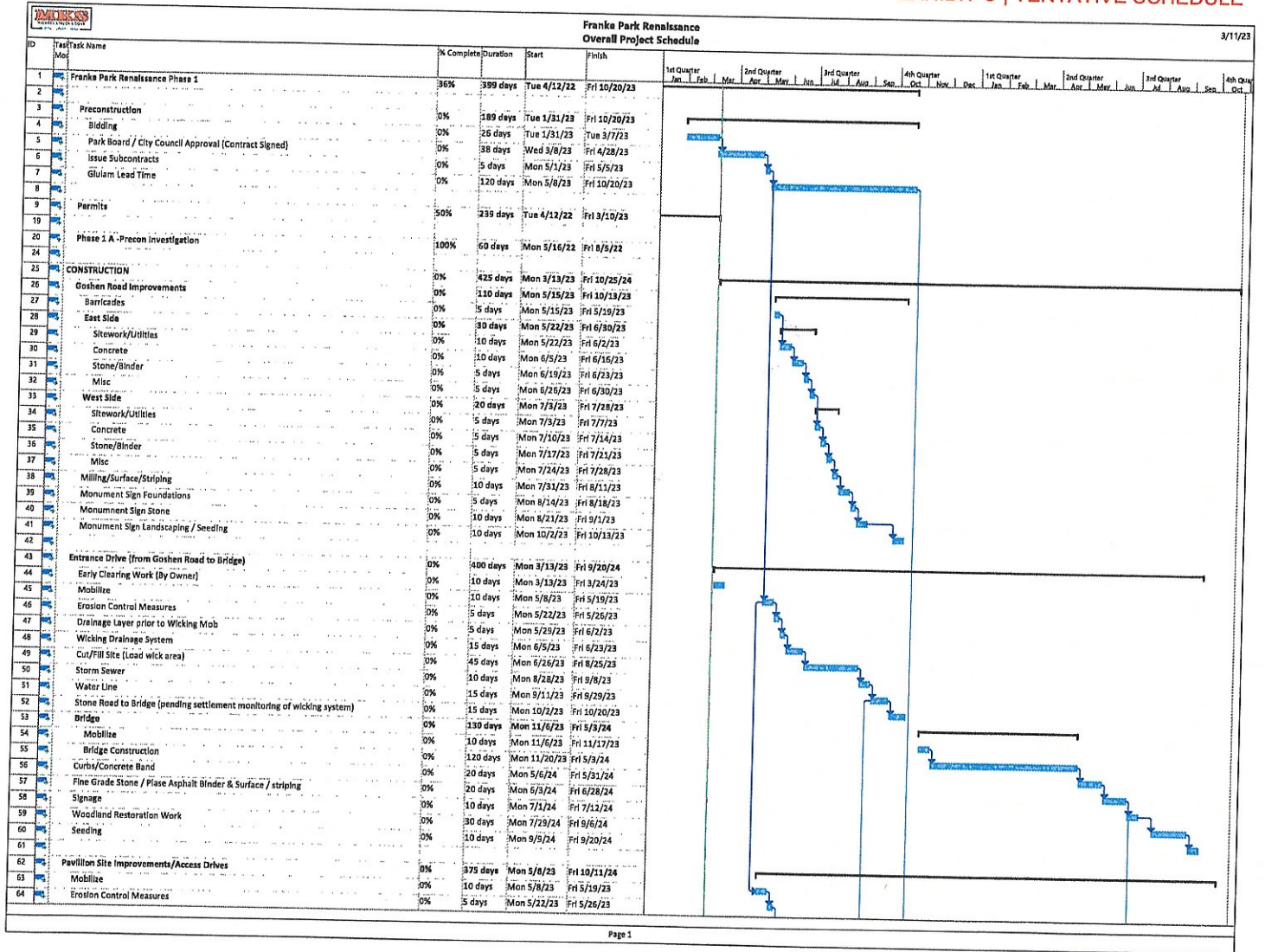
ALTERNATE TAB	Alternate Value	Accepted alternates- Option #2
Base Bid		21,318,667.60
1. Goshen Road work	848,262.67	848,262.67
2. Goshen Road Patching	45,093.83	45,093.83
3. Spy Run Creek Restoration	855,680.32	855,680.32
4. Prefabbed Pavilion	(179,640.37)	
5. Colored band concrete	(314,974.34)	
6. Banners	3,412.23	
7. Detention area turf	(656.19)	
8. Photovoltaic System	(65,462.17)	
9. Acoustical Panels	(4,409.64)	
10. Electromagnetic Glazing-all	343,322.04	
10a. Electromagnetic Glazing-west only	22,867.44	
11. Gyp Board in lobby ceiling	(65,094.70)	
12. Delete colored concrete in mix design	(37,250.93)	
13. Payment and Performance bond	243,656.81	
14. Delete offsite mitigation	(186,359.82)	(186,359.82)
		22,881,344.60

Unit Prices (Cost of Work)		
UP1-Unsuitable soils (5,000 cys)	\$ 149,500.00	(included in BP #31a-Fox)
UP2-Import engineered fill-53s (5000 cys)	\$ 238,750.00	(included in BP #31a-Fox)
UP3 Import Engineer fill-#2s (200 cyd)	\$ 11,980.00	
UP 4-standard fill (1 cy)	\$ 54.00	
UP5-geogrid (1 sy)	\$ 8.50	
UP6-lime stabilize (1 sy)	\$ 17.10	
UP7-Savaged Topsoil (1 cy)	\$ 4.50	
UP 8-Additonal wicking (\$/lf)	\$ 3.50	
UP#9-LP, Sternberg street light	\$ 15,500.00	
UP#10-S1a, Kim lighting	\$ 4,500.00	
UP#11-S1b, Kim lighting	\$ 4,500.00	
UP#12-SS, metrior, in grade solar	\$ 900.00	

Project: **Franke Park Renaissance-PHASE 1**
 Stage: **Final Bidding (with accepted alternates)**
 Date: **03.09.23**

	SPECIFIC INCLUSIONS/EXCLUSIONS	Included	Excluded
1	IN Sales Tax		X
2	Payment and Performance Bonds	X	
3	Architectural Design		X
4	Structural Design		X
5	Civil Design		X
6	Site Survey work		X
7	Phase 1 Environmental Survey		X
8	Soil Borings		X
9	Material Testing-See allowance	X	
10	Fire Protection Design	X	
11	Mechanical Design		X
12	Electrical Design		X
13	Interior Design		X
14	Furniture Design		X
15	State Permit fees		X
16	Local Routing permit fees		X
17	Local Area Connection fees and tap fees-see allowance	X	
18	Local Building Permit Fees	X	
19	DNR/IDEM Permitting		X
20	Final Cleaning	X	
21	Asbestos Investigation		X
22	Asbestos Abatement		X
23	Excessive Floor Preparation		X
24	Unsuitable soils-See unit prices	X	
25	Cement or Lime Soil Stabilization		X
26	Contaminated Soil Removal / Replacement		X
27	Earth Retention / Sheeting / Shoring		X
28	Ground water dewatering		X
29	Minor pumping of surface water / rain water	X	
30	FFE (Fixture, Furniture and Equipment)/Artwork		X
31	Owner equipment/FFE relocation		X
32	Appliances	X	
33	Fire Protection		X
34	Generator		X
35	Communication Rough In	X	
36	Communication wiring/termination		X
37	Communication Racking/Wireless Access Points/Gear		X
38	Audio Visual Equipment and Cabling		X
39	Security (Access Control, Cameras, Intrusion protection)		X
40	Temporary Utilities Setup or Usage fees		X
41	Generator rental or fuel if Permanent Power not in place		X
42	Builder's Risk Insurance		X
43	Property costs		X
44	Attorney fees		X
45	Relocation of existing utilities UNO		X
46	Work performed during regular business hours	X	
47	Private Utility Locates		X
48	Permanent Utility Connection / Construction Fees		X
49	Preconstruction fees of \$39,000		X
50	Davis Bacon wages		X
51	Utilize existing storage buildings for office and material storage	X	
52	Fiber cabling/3rd party service provider		X
53			
	NOTES		
53	Price is good for 60 days-May 7, 2023 expires	X	
54	Escalation comment - Use Allowance	X	
55	Completion Time per Preliminary schedule included in bid documents	X	
56	Penalties or Delays associated with current shortages of cement, ready mix supplier may not be able to accommodate concrete pour schedules. This may impact the overall timeline of the project.		X

EXHIBIT C | TENTATIVE SCHEDULE



Franke Park Renaissance Overall Project Schedule											3/1/23																	
ID	Task Name	% Complete	Duration	Start	Finish	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter															
						Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	
65	Clear/Cut/Fill Site (priority is building pad - maintain existing park road)	0%	40 days	Mon 5/29/23	Fri 7/21/23																							
66	Stone Parking Lots / Drives	0%	15 days	Mon 7/24/23	Fri 8/11/23																							
67	Storm Sewer	0%	20 days	Mon 7/24/23	Fri 8/18/23																							
68	Sanitary	0%	20 days	Mon 8/14/23	Fri 9/8/23																							
69	Water Line	0%	20 days	Mon 8/14/23	Fri 9/8/23																							
70	Demo Existing Road / Stone Tie-in to New	0%	20 days	Mon 8/14/23	Fri 9/8/23																							
71	Site Concrete	0%	45 days	Mon 5/20/24	Fri 7/19/24																							
72	Hardscape / Landscaping	0%	30 days	Mon 7/22/24	Fri 8/30/24																							
73	Woodland Restoration Work	0%	30 days	Mon 9/2/24	Fri 10/11/24																							
74	Seeding	0%	15 days	Mon 9/2/24	Fri 9/20/24																							
75	Asphalt Surface/stripping (including Trails)	0%	20 days	Mon 7/1/24	Fri 7/26/24																							
76	Misc. (prefabbed Pavilion, signage)	0%	30 days	Mon 6/17/24	Fri 7/26/24																							
77	Pavilion Building (including Veranda)	0%	340 days	Mon 7/10/23	Fri 10/25/24																							
79	Core & Shell	0%	245 days	Mon 7/10/23	Fri 6/14/24																							
80	Building Pad Ready	0%	1 day	Mon 7/10/23	Mon 7/10/23																							
81	Foundations (East to West)	0%	45 days	Mon 7/10/23	Fri 9/8/23																							
82	Underground Plumbing to Bathrooms	0%	10 days	Mon 8/7/23	Fri 8/18/23																							
83	Load bearing CMU for Mezzanines	0%	15 days	Mon 8/21/23	Fri 9/8/23																							
84	Precast Mezzanine Decks	0%	5 days	Mon 9/11/23	Fri 9/15/23																							
85	Fireplace CMU Full Height	0%	10 days	Mon 9/11/23	Fri 9/22/23																							
86	Timber Construction	0%	30 days	Mon 10/23/23	Fri 12/29/23																							
87	Exterior Framing / Sheathing	0%	15 days	Mon 12/18/23	Fri 1/5/24																							
88	Roofing	0%	40 days	Mon 1/1/24	Fri 2/23/24																							
89	CMU	0%	60 days	Mon 12/18/23	Fri 3/8/24																							
90	Underground Duct Install / Backfill	0%	20 days	Mon 3/11/24	Fri 4/5/24																							
91	SDG Prep / Radiant Heat Install	0%	10 days	Mon 4/8/24	Fri 4/19/24																							
92	Pour Slabs	0%	20 days	Mon 4/22/24	Fri 5/17/24																							
93	Masonry Veneer - Building	0%	25 days	Mon 3/11/24	Fri 4/12/24																							
94	Masonry Veneer - Veranda Walls	0%	20 days	Mon 4/15/24	Fri 5/10/24																							
95	Window Systems	0%	20 days	Mon 4/15/24	Fri 5/10/24																							
96	Veranda Slabs	0%	20 days	Mon 5/20/24	Fri 6/14/24																							
97	Interior Buildout	0%	215 days	Mon 1/1/24	Fri 10/25/24																							
98	MEFPF Overhead Rough	0%	70 days	Mon 1/1/24	Fri 4/5/24																							
99	Misc Interior / Bulkhead Framing	0%	15 days	Mon 4/8/24	Fri 4/26/24																							
100	Drywall Ceilings	0%	5 days	Mon 4/29/24	Fri 5/3/24																							
101	Drywall Fishing & Painting	0%	10 days	Mon 5/6/24	Fri 5/17/24																							
102	Interior Wood Walls / Ceilings	0%	30 days	Mon 5/20/24	Fri 6/28/24																							
103	Ceiling Grid / Rough	0%	20 days	Mon 5/20/24	Fri 6/14/24																							
104	Casework	0%	15 days	Mon 7/1/24	Fri 7/19/24																							
105	Doors & Hardware	0%	10 days	Mon 6/17/24	Fri 6/28/24																							
106	MEFPF Trim-out	0%	40 days	Mon 5/20/24	Fri 7/12/24																							
107	Polished Concrete Flooring	0%	30 days	Mon 7/15/24	Fri 8/23/24																							
108	Misc Finishes / Specialties	0%	20 days	Mon 8/26/24	Fri 9/20/24																							
109	Final Inspections	0%	10 days	Mon 9/23/24	Fri 10/4/24																							
110	Punch List	0%	15 days	Mon 10/7/24	Fri 10/25/24																							
111																												
112	Spy Run Creek Improvements (requires IDEM and DNR Spy Run Approval)	0%	110 days	Mon 2/19/24	Fri 7/19/24																							
113	Clearing/Cut/Fill/Cleanup-Clearing complete by March 31	0%	30 days	Mon 2/19/24	Fri 3/29/24																							
114	Final Grading	0%	15 days	Mon 4/1/24	Fri 4/19/24																							
115	Hardscape-rock bed	0%	15 days	Mon 4/22/24	Fri 5/10/24																							
116	Mitigation Landscape (in floodway/floodplain)	0%	30 days	Mon 5/13/24	Fri 7/19/24																							

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