



Agenda Memorandum

Agenda Item – {{section.number}}.B.

City Council Meeting
September 9, 2024



Strategic Priority 3: Community Health and Safety

Invest in innovative and collaborative approaches to provide a continuum of services that preserve, promote, and protect the health, safety, and environment of Westminster



Strategic Priority 5: Resilient Infrastructure

Maintain and invest in resilient infrastructure that creates the highest return for safety, community connectivity, enjoyment of life, and local economic success

Subject:

First Reading of Councillor's Bill No. 29 Providing for a Supplemental Appropriation of Funds from the General Capital Improvement Fund to 92nd Avenue and Eaton Street Improvements Account; Authorize the Acting City Manager to Execute a Construction Contract with KRM Concrete; and Authorize the Acting City Manager to Execute a Contract Amendment with Anser Advisory Management, LLC for Construction Management Services for the West 92nd Avenue and Eaton Street Project

Prepared By:

Aaron Kirchner, Senior Engineer
Lindsey Kimball, Community Services Director
Mona Choury, Focus Area Administrator
John Vann, Community Vibrancy Administrator

Recommended City Council Action:

1. Approve Councillor's Bill No. 29 on first reading, providing for a supplemental appropriation of funds in the amount of \$1,780,000 to the 2024 budget of the General Capital Improvements Fund 92nd and Eaton Street Improvements Account, contingent upon the Westminster Economic Development Authority's approval to allocate the funds.
2. Authorize the Acting City Manager, contingent upon approval of Councillor's Bill No. 29 on second reading, to award and execute a construction contract for the West 92nd Avenue and Eaton Street Project with KRM Concrete, LLC. in the amount of \$946,166 plus a contingency in the amount of \$142,000 for a total authorized expenditure not to exceed \$1,088,166.
3. Authorize the Acting City Manager, contingent upon approval of Councillor's Bill No. 29 on second reading, to execute a contract amendment for on-call construction management services with

Anser Advisory Management, LLC. for the West 92nd Avenue and Eaton Street Project increasing the \$250,000 contract by \$189,560 to \$439,560, plus a contingency of \$10,000, for a total authorized expenditure not to exceed \$449,560.

Summary Statement:

- The 92nd Avenue and Eaton Street Project (Project) will modify the eastbound lanes located on the south side of West 92nd Avenue, between Ingalls Street and Eaton Street.
- The purpose of the Project is to complete safety improvements in accordance with the Downtown Westminster Mobility Study, address existing Americans with Disabilities Act (ADA) compliance issues, and comply with development agreements.
- The Project improvements include a lane reduction on eastbound West 92nd Avenue to two thru lanes, sidewalk widening, curb and gutter, traffic signal adjustment, and ADA ramps. There are currently two eastbound lanes on 92nd Avenue from Wadsworth Parkway through the 6400 West intersection. This Project will provide lane continuity along 92nd Avenue through the US 36 overpass.
- Additionally, the Development Agreement between the City of Westminster, the Westminster Economic Development Authority (WEDA), and Downtown Westminster Residences, LLC (DWR) obligate the City to construct the Mobility Study improvements.
- An Invitation for Bids (IFB) package was advertised on BidNet for five weeks. Bids were opened on August 13, 2024, and the low bid, in the amount of \$946,166, was submitted by KRM Concrete, LLC. (KRM). Upon review, Staff finds the bid prices to be reasonable and recommends awarding the construction contract to KRM as the lowest responsive and responsible bidder.
- A supplemental appropriation is requested in the amount of \$1,780,000 for transfer funding from the Westminster Economic Development Authority (WEDA). The supplemental appropriation is contingent upon WEDA's Board's Approval of the transfer to the General Capital Improvement Fund (GCIF), which will be presented at the WEDA Board Meeting on September 9, 2024.
- The balance of funds transferred from WEDA into the 92nd and Eaton Street Improvements Account that are not used for roadway construction or related services will be used for the landscaping and value engineering portion of this project.
- Anser Advisory Management, LLC. was selected through a publicly advertised Request for Qualifications (RFQ) for on-call construction management services. Anser's current not-to-exceed contract total is \$250,000 for citywide construction management services. Due to the scope of the 92nd Avenue project, a contract amendment is necessary to add this project to Anser's existing contract increasing it to \$439,560, plus \$10,000 contingency, with a new not-to-exceed amount of \$449,560.
- This project is anticipated to begin construction this fall with a completion in first quarter of 2025.

Fiscal Impact:

\$1,088,166 for W. 92nd Avenue Project construction and contingency
\$ 492,274 for Landscaping on 92nd Avenue and value engineering
\$ 199,560 for Anser construction management services

\$1,780,000 in expenditures

Source of Funds:

General Capital Improvement Fund: Transfers from WEDA to GCIF

General Capital Improvement Fund: 92nd and Eaton Street Improvements

Policy Issue(s):

- Contingent upon the WEDA Board approving the transfer of funds to the City, should City Council authorize the appropriation of \$1,780,000 from the GCIF: Transfers WEDA Account to the GCIF: 92nd and Eaton Street Improvements Account to cover construction and construction-related expenses for the construction of the W. 92nd Avenue and Eaton Street Project?
- Contingent upon the WEDA Board approving the transfer of funds to the City and City Council appropriating the funds to the Project, should City Council award a construction contract with KRM in the amount of \$946,166 with a construction contingency of \$142,000, for a total authorized expenditure of \$1,088,166?
- Contingent upon the WEDA Board approving the transfer of funds to the City and City Council appropriating the funds to the Project, should City Council authorize a contract amendment with Anser for construction management services in the amount of \$189,560 increasing it to \$439,560, plus a contingency of \$10,000, for a total authorized expenditure not to exceed \$449,560 for the Project?

Alternative(s):

- City Council could choose to not authorize the appropriation of funds from the GCIF: Transfers WEDA Account to the GCIF: 92nd and Eaton Street Improvements Account to cover construction and construction-related expenses for the construction of the West 92nd Avenue and Eaton Street Project. This alternative is not recommended because alternative funding is not currently available to cover these improvements.
- City Council could decline to award a construction contract with KRM. This alternative is not recommended because the existing safety concerns will remain unaddressed, and a development agreement has been executed requiring the City to complete these improvements.
- City Council could choose not to amend the contract with Answer. This alternative is not recommended since Answer will provide materials testing, inspection, and construction management services to the City that is key to minimize the City's liability and ensure the City receives a quality finished product.

Background Information:

The Downtown Westminster Mobility Study recommends West 92nd Avenue, a major arterial roadway, between Eaton Street and Ingalls Street be more safely and effectively designed by removing one travel lane in each direction. Over the past four years, there have been more than 25 accidents on this section of roadway. The primary concern is the existing travel lanes allow eastbound motorists to drive through the continuous acceleration and deceleration lanes that run for

one-quarter mile to the US 36 East onramp. This creates conflicts for motorists merging and weaving in and out of lanes from multiple directions. Additionally, the Project is adjacent to the townhomes being built in Downtown Westminster. On May 10, 2021, City Council approved a development agreement with DWR obligating the City to construct the Project improvements.

An Invitation for Bid (IFB) for the construction of the Project was advertised on BidNet for five weeks and publicly opened bids on August 13, 2024.

The results of the roadway construction bidding are as follows:

Bidder	Amount of Bid
KRM Concrete LLC	\$ 946,166
ABC Asphalt, Inc.	\$ 1,185,629
FNF Construction, Inc.	\$ 1,224,630
CHATO'S CONCRETE, LLC	\$ 1,314,913
JARCCO Construction LLC	\$ 1,456,206
GoodLand Construction Inc	\$ 1,475,324

Upon review of the bids, Staff determined KRM to be the lowest responsive and responsible bidder. Staff recommends awarding the construction contract to KRM for the Project.

With respect to the construction management services, a Request for Qualifications (RFQ) for on-call City-wide construction management services was conducted and Anser was selected through this process. Anser's current contract total is \$250,000. The effort for the 92nd Avenue Project was not initially included in the list of anticipated construction management services. Staff requests an increase to Anser's contract to include the 92nd Avenue project while still addressing the service needs already planned. If City Council authorizes the amendment, the new contract total will not exceed \$449,560.

A supplemental appropriation is requested in the amount of \$1,780,000 for transfer funding from Westminster Economic Development Authority (WEDA). The supplemental appropriation is contingent upon the WEDA Board's approval of the transfer to the City, which will be presented at the WEDA Board Meeting on September 9, 2024. An intergovernmental Cooperation Agreement between WEDA and the City allows for the transfer of funds to support the ongoing development of Downtown Westminster. This appropriation will cover the cost of construction, totaling \$1,088,166 and construction-related management services up to \$199,560. The remaining funds (\$492,274) will be used to pay the design engineer for value engineering services and a separate contract to be brought before City Council in 2025 to provide landscape and irrigation for the new landscape areas created with this project.

The City's Strategic Priorities of Community Health and Safety and Resilient Infrastructure are being met with this project by improving overall safety for all modes of transportation on West 92nd Avenue.

Respectfully submitted,

Jody Andrews

Jody L. Andrews
Acting City Manager

Attachments:

Attachment 1 - Vicinity Map

Attachment 2 - Contract Substitution Page (CSP) for KRM Concrete LLC

Attachment 3 - First Amendment to the On Call Project Management Services Contract with Anser
Advisory Management LLC

Attachment 4 - Councillor's Bill No. 29 Amending the 2024 Budget of the GCIF

Attachment 5 - 2024 Supplemental Appropriation Account Table