



# City of Madison

City of Madison  
Madison, WI 53703  
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## Master

**File Number: 80106**

**File ID:** 80106

**File Type:** Resolution

**Status:** Council New Business

**Version:** 3

**Reference:**

**Controlling Body:** BOARD OF PUBLIC WORKS

**File Created Date :** 09/27/2023

**File Name:** 2ND ALTERNATE Amending the 2023 Adopted Capital Budget of the Economic Development Division and Awarding Public Works Contract No. 8595, Madison Public Market.

**Final Action:**

**Title:** SECOND ALTERNATE amending the 2023 Adopted Capital Budget of the Economic Development Division and Awarding Public Works Contract No. 8595, Madison Public Market (12th AD)

**Notes:** Bryan Cooper

**Sponsors:** Marsha A. Rummel, Amani Latimer Burris And Nasra Wehelie

**Effective Date:**

**Attachments:** 8595 BidOpeningTab.pdf, 092823-092923\_CC\_public\_comments.pdf, 100323\_CC\_public\_comment.pdf, 80106v1.pdf, 80106-ALTERNATE-v2.pdf, 2023-10-09 DRAFT MPM Bid+BA Breakdown.pdf, 8595 breakdown version 1.pdf, 8595 breakdown version 2.pdf, Madison Public Market Background Memo, 100323\_101723\_CC\_public\_comments.pdf, 101723\_CC\_public\_comment.pdf

**Enactment Number:**

**Author:** Jim Wolfe, City Engineer

**Hearing Date:**

**Entered by:** hfleegel@cityofmadison.com

**Published Date:**

### History of Legislative File

| Ver-<br>sion: | Acting Body:         | Date:  | Action:                   | Sent To:              | Due Date: | Return<br>Date: | Result: |
|---------------|----------------------|--|---------------------------|-----------------------|-----------|-----------------|---------|
| 1             | Engineering Division | 09/27/2023   | Referred for Introduction |                       |           |                 |         |
|               | <b>Action Text:</b>  | This Resolution was Referred for Introduction  |                           |                       |           |                 |         |
|               | <b>Notes:</b>        | Finance Committee (10/9/23), Board of Public Works (10/4/23), Public Market Development Committee (10/5/23), Common Council (10/17/23) |                           |                       |           |                 |         |
| 1             | COMMON COUNCIL       | 10/03/2023   | Refer                     | FINANCE COMMITTEE     |           | 10/09/2023      | Pass    |
|               | <b>Action Text:</b>  | A motion was made by Currie, seconded by Figueroa Cole, to Refer to the FINANCE COMMITTEE. The motion passed by voice vote/other.      |                           |                       |           |                 |         |
|               | <b>Notes:</b>        | Additional Referrals to Board of Public Works, Public Market Development Committee.  |                           |                       |           |                 |         |
| 1             | FINANCE COMMITTEE    | 10/03/2023   | Refer                     | BOARD OF PUBLIC WORKS |           |                 |         |

**Action Text:** This Resolution was Refer to the BOARD OF PUBLIC WORKS

1 FINANCE COMMITTEE 10/03/2023 Refer PUBLIC MARKET DEVELOPMENT COMMITTEE 10/05/2023

**Action Text:** This Resolution was Refer to the PUBLIC MARKET DEVELOPMENT COMMITTEE

1 BOARD OF PUBLIC WORKS 10/04/2023 Return to Lead with the Following Recommendations Pass

**Action Text:** A motion was made by Ald. Slack, seconded by Stern, to Return to Lead with the Following Recommendations: to recommend version 2 of the resolution. The motion passed by the following vote:

**Notes:** Return to Lead with the Following Recommendation(s) to recommend version 2 of the resolution

Absent: 1 Jaclyn (Jac) L. Weitzel

Ayes: 5 Kristen Slack; Lisa Stern; Joseph R. Clausius; Aaron J. Williams and Harald Kliems

Noes: 1 Nikki Conklin

Non Voting: 1 Michael Cullen

1 PUBLIC MARKET DEVELOPMENT COMMITTEE 10/05/2023 Return to Lead with the Following Recommendation(s) FINANCE COMMITTEE 10/09/2023 Pass

**Action Text:** A motion was made by Ald. Latimer Burris, seconded by Ald. Rummel, to Return to Lead with the Following Recommendation(s) to recommend version 2 of the resolution. The motion passed by voice vote/other.

**Notes:** Return to Lead with the Following Recommendation(s) to recommend version 2 of the resolution

1 FINANCE COMMITTEE 10/09/2023 RECOMMEND TO COUNCIL TO ADOPT (15 VOTES REQUIRED) - REPORT OF OFFICER Pass

**Action Text:** A motion was made by Rummel, seconded by Verveer, to adopt an alternate. The motion failed by the following vote: Ayes -- Verveer, Evers, Rummel; Nays -- Vidaver, Madison Currie. After the vote on the alternate failed, the committee considered the motion to adopt the original version.

A motion was made by Currie, seconded by Rummel, to RECOMMEND TO COUNCIL TO ADOPT (15 VOTES REQUIRED) - REPORT OF OFFICER. The motion passed by the following vote:

**Notes:** Finance Committee Motions:

A motion was made by Rummel, seconded by Verveer, to adopt an alternate. The motion failed by the following vote: Ayes -- Verveer, Evers, Rummel; Nays -- Vidaver, Madison Currie. After the vote on the alternate failed, the committee considered the motion to adopt the original version.

On the original version, a motion was made by Currie, seconded by Rummel, to RECOMMEND TO COUNCIL TO ADOPT (15 VOTES REQUIRED) - REPORT OF OFFICER. The motion passed by the following vote: Ayes -- Evers, Madison, Rummel, Vidaver, Verveer; Nays -- Currie

Ayes: 5 Tag Evers; Sabrina V. Madison; Marsha A. Rummel; Regina M. Vidaver and Michael E. Verveer

Noes: 1 Jael Currie

Non Voting: 1 Satya V. Rhodes-Conway

**Text of Legislative File 80106**

**Fiscal Note**

The proposed resolution amends the 2023 Adopted Capital Budget of the Economic Development Division, and authorizes the award of Public Works Contract No. 8595, Madison Public Market. The budget amendment adds ~~\$2,279,755~~ \$1,641,071 in new City-issued General Obligation borrowing authorization. If Dane County contributes an additional \$1,000,000 to the Madison Public Market Project (MUNIS #10069), the City shall accept this funding, and reduce the additional General Obligation borrowing authorization to \$641,071. up

~~to \$1,000,000 in additional Dane County funding, to the Madison Public Market project (MUNIS #10069) to support overall project costs. The resolution also directs City staff to pursue an amendment to the TID #36 Project Plan from the TIF Joint Review Board to utilize TID #36 funding in lieu of GO borrowing. If the Project Plan amendment is approved, TIF funding would replace GO Borrowing.~~

The construction cost for the base bid ~~plus alternates #1 and #2~~ will be funded by the Madison Public Market project (MUNIS #10069). Funding for Alternate #3 - Solar PV system bid item will be funded via existing budget in the Engineering Facilities Management Capital Budget in the Energy Improvement program (MUNIS #14908).

This resolution authorizes the award of the base bid and alternates ~~#1, #2 and #3~~ in Public Works Contract No. 8595. The budget amendment provides sufficient budget authority to award Public Works Contract No. 8595 - Madison Public Market and complete the remaining non-Public Works project costs (i.e. design consultant fees, staff time, furnishings/fixtures/equipment, percent for art, and related startup costs).

**Title**

SECOND ALTERNATE amending the 2023 Adopted Capital Budget of the Economic Development Division and Awarding Public Works Contract No. 8595, Madison Public Market (12th AD)

**Body**

WHEREAS, the City of Madison has been planning for a Madison Public Market for years, with work on the most recent effort starting in 2012 through the formation of the now named Public Market Development Committee; and

WHEREAS, site searches, business planning, the completion of a Racial Equity and Social Justice Initiative analysis, and the launch of a MarketReady Program for prospective vendors occurred during early years of the Public Market Development Committee work; and

WHEREAS, the City of Madison selected the Madison Public Market Foundation in 2018 to be the entity responsible for operating the Madison Public Market; and

WHEREAS, once open, the Madison Public Market will address three primary goals: supporting food based entrepreneurship, especially among historically disadvantaged business owners; providing affordable, healthy food options; and, providing a public, year-round gathering place for all Madisonians; and

WHEREAS, on February 5, 2019 the City of Madison Common Council authorized the Mayor and City Clerk to enter into a contract for Purchase of Services (Architect) with Meyer, Scherer & Rockcastle, Ltd. to provide professional architectural and engineering design services and construction administration services for the design and construction of the Madison Public Market. (RES-19-00093); and

WHEREAS, on March 3, 2020 the City of Madison Common Council approved a change to the zoning of property located at 202 North First Street and approved a General Development Plan and Specific Implementation Plan to convert the Fleet Services Building into the Madison Public Market (ORD-20-00029); and

WHEREAS the City of Madison Common Council approved a Lease, Operating Agreement, and Responsibility Matrix with the Madison Public Market Foundation on 7/25/23 (RES-23-00508); and

WHEREAS after the project team completed a robust series of design phases, all of which included a professionally developed construction cost estimate, the City of Madison Common Council on 6/20/2023 approved plans and specifications and authorized the Board of Public Works to advertise and receive bids for Madison Public Market. (RES-23-00441); and

WHEREAS, the A/E consultant team completed construction documents for Public Works bidding and received a final construction cost estimate of \$12,500,000 (an associated 8% construction contingency of \$1,000,000); and

WHEREAS the project stakeholders agreed upon a maximum construction budget of \$13,670,000 (an associated 8% construction contingency of \$1,093,600) in anticipation of elevated bids; and

WHEREAS after advertising the project from 07/20/2023 to 09/14/2023, three base general contractor bids were received with an apparent low base bid -not including additive alternates- of \$15,189,510 (an associated 8% construction contingency of \$1,215,161); and

WHEREAS the apparent low base bid and associated construction contingency is \$1,641,071 above the project's maximum construction budget; and

WHEREAS it was determined that rebidding the Madison Public Market project would likely not result in significantly lower costs and would delay completion of the project; and

WHEREAS there is a desire to proceed with the base bid which will add an additional \$1,641,071 in project costs; and

~~WHEREAS, there is also a desire to proceed with alternates #1 and #2 and proceed with the originally conceived budget for the market furnishings, fixtures, and equipment package which would add an additional \$1,638,684 in projects costs for a total of \$3,279,755 beyond the current project budget; and~~

WHEREAS the additional project costs will be funded by additional city borrowing of ~~\$2,279,755~~ \$1,641,071 and potentially funded from Dane County sources of \$1,000,000; and

WHEREAS there is an opportunity to reduce this \$1,641,071 by \$1,000,000 through an additional contribution of \$1,000,000 from Dane County to the project; and

WHEREAS there is a desire to proceed with Alternate #3 (solar PV) to be funded via existing budget in the Engineering Facilities Management Capital Budget in the Energy Improvement Program; and

THEREFORE, BE IT RESOLVED, that the Economic Development Division's 2023 Adopted Capital Budget is amended to appropriate an additional ~~\$2,279,755~~ \$1,641,071 of GO Borrowing to the Madison Public Market project (MUNIS #10069); and

BE IT FURTHER RESOLVED, that the Economic Development Division's 2023 Adopted Capital Budget shall be amended upon execution of an agreement with Dane County to appropriate an additional \$1,000,000 county contribution to the Madison Public Market project (MUNIS #10069); and

BE IT FURTHER RESOLVED, that the additional GO Borrowing of \$1,641,071 to the Madison

Public Market project (MUNIS #10069) be reduced by \$1,000,000 upon execution of an agreement with Dane County for their additional contribution to the project; and

BE IT FURTHER RESOLVED, that City staff is directed to seek an amendment to the TID #36 Project Plan from the TIF Joint Review Board to utilize TID #36 funding in lieu of GO Borrowing, and if approved, to replace the ~~\$2,279,755~~ \$1,641,071 or \$641,071 of GO Borrowing with TID #36 funding; and

BE IT FURTHER RESOLVED, that the following low bids for miscellaneous improvements be accepted and that the Mayor and City Clerk be and are hereby authorized and directed to enter into a contract with the low bidder, as determined by the base bids contained herein, and proceed with a contract for work identified as part of the base bid and additive ~~alternates #1 (south hall garage doors), # 2 (south hall windows), and~~ alternate #3 (solar PV), subject to the Contractor's compliance with Section 39.02 of the Madison General Ordinances concerning compliance with the Affirmative Action provisions and subject to the Contractor's compliance with Section 33.07 of the Madison General Ordinances regarding Best Value Contracting; and

BE IT FINALLY RESOLVED, that the funds be encumbered to cover the cost of the projects contained herein.