



## Legislation Text

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**File #:** 54530, **Version:** 1

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### **Fiscal Note**

The proposed resolution authorizes awarding a construction contract for the enclosure and finishes of the Judge Doyle Podium to J.P. Cullen & Sons, Inc. for a total of \$7,990,140, contingency included. Contract No. 8290 includes the Judge Doyle Podium base bid (\$6,950,946), Alternate 1 for the build out of a Bicycle Center (\$414,709), and Alternate 3 for the expansion of the emergency responder radio system (\$32,622). Sufficient budget authority for the proposed contract is included in the Judge Doyle Square capital project (Project #11983). No additional City appropriation is required.

### **Title**

Awarding Public Works Contract No. 8290, Judge Doyle Podium. (4th AD)

### **Body**

This resolution authorizes the award of the construction contract for the enclosure and finishes for the Judge Doyle Podium to, J.P. Cullen & Sons, Inc, Public Works Contract No. 8290 (4th AD). The bids were received on January 31, 2019.

This project is for the Podium enclosure and finishes, including the build out of the Bicycle Center.

On September 15, 2017 the City entered into a contract with lowest responsible bidder, J.P. Cullen & Sons, Inc, Public Works Contract No. 7952 for the construction of the project known as the Judge Doyle Garage.

On November 20, 2018, the Common Council approved RES-18-00792, File 53580, that approved plans and specifications and authorized the City to advertise for bids for the Judge Doyle Podium enclosure and finishes, Public Works Contract No. 8290. File 53580 also approved the change order, for the Judge Doyle Contract 7952 to include the Podium structural concrete frame of the above grade levels.

On January 8, 2019, the Common Council adopted RES-19-00038 to resolve the dispute with the private developer and to remove the developer's rights to the Podium and air-rights on Block 88.

January 31, 2019 the City received one bid for Public Works Contract No. 8290.

Contract 8290 was bid with a requirement that the contractor provide a base bid (\$6,950,946.00) plus three alternates. Alternate 1 is the build out of a Bicycle Center (\$414,709.00), Alternate 2 is the temporary roof above the Podium (\$543,100.00), and Alternate 3 is the expansion of the emergency responder radio system (\$32,622.00).

On February 5, 2019 the Common Council introduced and referred for consideration Resolution File #: 54514 authorizing the issuance of a Request for Proposals to seek a developer to complete the private portion of the Judge Doyle - Block 88 Project. The private portion of the Judge Doyle may proceed above the Podium immediately following the City construction work and if that is the case, it will be unnecessary to construct a temporary roof above the Podium.

It is not appropriate to award Alternate 2, the temporary roof, at this time because it is not certain that it will be needed. Sufficient funds exist to award the base bid plus alternates 1 and 3. Alternate 2 can be built with this contract in the future if sufficient funds exist even if Alternate 2 is not included in the award initially. Funding for alternate 2, should it become necessary, may be available later using project contingency and/or deductive change orders. It is possible, but not likely, that additional budget authority may be necessary to construct Alternate 2.

NOW THEREFORE BE IT RESOLVED, that the bid by J.P. Cullen & Sons, Inc be hereby accepted and that the Mayor and City Clerk are hereby authorized and directed to enter into a contract with J.P. Cullen & Sons, Inc, base bid plus alternate 1 (buildout of the bicycle center) and alternate 3 (expansion of the emergency responder radio system), subject to the Contractor's compliance with Section 39.02 of the Madison General 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 FURTHER RESOLVED, that the Board of Public Works may, by change order, authorize the construction of Alternate 2, the temporary roof above the podium provided sufficient funding is available and such authorization is necessary and in compliance with the law; and,

BE IT FINALLY RESOLVED, that the funds be encumbered to cover the cost of the project and the source of funds will be from all remaining appropriation balances for the Judge Doyle project (general obligation and Parking Utility reserves).

See attached document (Contract No. 8290) for itemization of bids.