

## RESOLUTION NO. 10438

### **A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, RELATING TO THE USE OF AN ALTERNATIVE PROJECT DELIVERY CONTRACT FOR THE WATER TREATMENT PLANT SOLIDS MITIGATION PROJECT OF 1698.1**

**WHEREAS**, the City of Great Falls, MT (“the City”) a municipality, is presently considering and planning for certain construction activities with respect to its Public Works infrastructure capital facilities, specifically a Water Treatment Plant (WTP) Solids Mitigation Project; and

**WHEREAS**, §§ 18-2-501 *et seq.* and 7-5-4302, MCA authorize the City to utilize an Alternative Project Delivery Contract for the procurement of such construction activities under certain conditions; and

**WHEREAS**, based on the information provided by City staff in the Agenda Report for this matter and the information presented to the Commission as part of its consideration of this Agenda item, the City Commission makes the following Findings that those conditions are met with respect to the construction activities presently contemplated for the WTP Solids Mitigation Project:

- (1) The City has or will have knowledgeable staff and/or consultants who have the capacity to manage an Alternative Project Delivery Contract. In addition to Public Works and Legal Department staff, who have experience with and/or a working knowledge of the General Contractor Construction Manager (GCCM) alternative project delivery method and other construction and project management experience, the City has retained the services of ***Advanced Engineering and Environmental Services*** (AE2S, Nate Weisenburger, PE) Portage Building, 405 3<sup>rd</sup> St NW, Suite 205, Great Falls, MT to provide both design and construction administration services attendant to the project at issue. AE2S has direct experience in working with the GCCM structure in the context of water treatment plant projects.
- (2) The Alternative Project Delivery Contract structure contemplated for this project will involve a General Contractor Construction Manager [GCCM] contract as defined in § 18-2-501(5), MCA. The procurement and award process for that GCCM contract will follow the requirements of § 18-2-503, MCA and will involve the competitive solicitation of proposals from qualified GCCM providers through a combined RFQ & RFP process. Subcontractors and suppliers will then be selected through a competitive solicitation process conducted either (a) solely by the selected GCCM or (b) by the selected GCCM in conjunction with the City.
- (3) In accordance with § 18-2-502(2), MCA, the City has determined that the timely completion of the contemplated construction has significant schedule ramifications in terms of completing the work with a minimum amount of disruption to the Water

Treatment Plant operations, and avoiding (to the extent possible) the need to have to discharge residual solids directly into the sanitary sewer collection system. Maintaining complete operational functionality is of primary importance, whereas constructability input from the GCCM would assist in developing construction staging/sequencing to minimize downtime. The project schedule is aggressively set to achieve substantial completion prior to the winter of 2022, so as to minimize disturbance to plant operations and to reduce direct discharge loading on the wastewater treatment plant and sewer collection system appurtenances. Additionally, cost modeling conducted in 2017 indicated that the project will significantly reduce the current operations and maintenance costs by approximately 50%, or \$125,500 annually and a shortened duration of construction will expedite the realization of those savings.

- (4) In accordance with § 18-2-502(2), MCA, the City has determined that the engaging and utilizing the services of a GCCM during the design and pre-construction phases will provide a greater opportunity for significant cost savings in terms of value engineering, construction planning and building / construction systems analysis and comparison. The site will require the reclamation of areas used to store water treatment residuals, and a portion of the building structure, including underground basins of relatively significant depth, may need to be situated on the reclaimed area. Technical input from the GCCM on means, methods, and strategies to adequately prepare the site for the building, execute the relatively deep excavations and basin construction, and manage potential groundwater issues will greatly enhance the recommendations of the engineering design consultants. Additionally, GCCM input regarding the means and methods associated with the initial installation and potential need to remove and replace the equipment over the life cycle of the facility would be beneficial. The initial staging and permanent location of the relatively heavy equipment could be optimized without the need for costly temporary measures to ensure safely placing the equipment into position.
- (5) In accordance with § 18-2-502(3), MCA, the City hereby determines that the utilization of an Alternative Project Delivery Contract as described above will not either (a) encourage favoritism or bias in awarding the contract or (b) substantially diminish competition for the contract. The basis for that determination is as follows:
  - The procedures utilized for the competitive RFQ & RFP process will involve the same publication and solicitation processes that would otherwise be used to competitively solicit bids from a GC, i.e., publication in major state newspapers, utilization of plan exchanges, etc.;
  - The target pool of qualified GCCM entities will consist – at a minimum – of the same pool of qualified GC entities that would be likely participants in a competitive bid process for construction work only;

- The criteria utilized to select the GCCM will be those set forth in § 18-2-503(2), MCA and any additional factors unique to the project, all of which are intended to avoid any favoritism or bias in the GCCM contract award process; and
- At the conclusion of the GCCM selection process, the City will – as required by § 18-2-503(4), MCA – state and document in writing the reasons for selecting the successful GCCM candidate.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,** that, based upon the foregoing Findings, use of an Alternative Project Delivery Contract in the form of a GCCM contract is hereby authorized for the Water Treatment Plant Solids Mitigation Project OF 1698.1.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Bob Kelly, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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Jeffrey M. Hindoiem, City Attorney