

FISTA Development Trust Authority Special Board Meeting Minutes

Lawton City Hall-Auditorium
212 SW 9th Street, Lawton, Oklahoma 73501
February 9, 2022 @ 12:00 p.m.

Trustees Present: Mark Brace, Jay Burk, Barry Ezerski, Clarence Fortney, Albert Johnson, Jr., Phil Kennedy, David Madigan, Richard Rogalski and Jace Zacharias. Also, in attendance was Teira Cole.

Trustees Absent: Dani Blackburn, Ron Nance, and Bridget Randle

Guests: Kim McConnell, Matt Thomas, Nena Hardy, Jill Rodriguez and Barbara Curry

I. Call to Order/Roll Call

II. Introduction of Guests

III. Business

- A.** Under the provisions of the Public Construction Management Act for Political Subdivisions and the procedure for awarding subcontracts in accordance with Title 61, Oklahoma Statutes, Section 217, consider awarding subcontractor bids for the FISTA Innovation Park Renovation/Former Sears Building at Lawton Central Plaza Mall Project in the following areas of work: (1) Demolition (2) Asphalt Parking Lot (3) Exterior Fencing & Gates (4) Interior and Exterior Concrete (5) Structural Steel Fabrication (6) Structural Steel Erection (7) Roofing & Joint Sealants (8) Exterior Metal Panels (9) General Trades (10) Millwork & Stone Counters (11) Doors/Frames/Hardware (Materials) (12) Glass/Glazing Systems (13) Framing/Drywall/Ceilings/FRP (14) Painting (15) EIFS (16) Flooring & Tile (Tile/Soft/Resilient) (17) Division 10 Specialties (Materials) (18) Signage (19) Digital Display Screens (20) Folding Panel Partitions (21) Plumbing Systems (22) HVAC Systems (23) Electrical/Lighting Systems (24) Fire Alarm Systems (25) Fire Sprinkler System (26) Telecommunications (27) CCTV (28) Access Controls/Intrusion Detection, and upon award of the bids, but before written subcontractor agreements are executed, direct the construction manager to prepare a proposed guaranteed maximum price (GMP) for the project as an amendment to the construction manager's contract for consideration and action at an upcoming Trust Board meeting, whereupon if the GMP amendment is approved, the construction manager shall enter into written subcontractor and supplier agreements for the work previously awarded by the subdivision.

Note 1: Under the Oklahoma Public Competitive Bidding Act, if an award is made to other than the lowest bidder, the awarding public agency shall accompany its action with a publicized statement setting forth the reason for its action. Such statement shall be placed on file, open to public inspection and be a matter of public record.

Note 2: Under Section 217 referenced above, once bids are awarded by the subdivision and the subdivision indicates its bonding preference, as noted below, the construction manager will prepare a GMP amendment to the contract. The subdivision shall have the option, but not mandate, to require the construction manager to provide performance, payment and maintenance bonds, or any combination, in an amount equal to one hundred percent (100%) of the value of the work, excluding the construction manager's fee, general conditions, reimbursements and insurances. "Payment bond", "performance bond" and "maintenance bond", as used herein, mean and refer to those bonds as defined in the Oklahoma Public Competitive Bidding Act.

ACTION: Mr. Fortney read the passage from the agenda. Each bid package was considered by the trustees. The bid packages were voted on as follows:

Bid package 1 (Demolition) bids were received from four contractors. Mr. Burk moved to approve the lowest, qualified bid M&M Wrecking in the amount of \$35,474.00; Mr. Ezerski seconded the motion. The motion passed unanimously. Bids on file with the Office of the City Clerk.

Bid package 2 (Asphalt Parking Lot) This item postponed until future development. No action taken.

Bid package 3 (Exterior Fencing & Gates) bids were received from three contractors. Mr. Ezerski moved to approve the lowest, qualified bidder Yankee Fence Company in the amount of \$185,000.00; Mr. Madigan seconded the motion. The motion passed unanimously. Bids on file with the Office of the City Clerk.

Bid package 4 (Interior and Exterior Concrete) bids were received from two contractors. Mr. Johnson moved to approve the lowest, qualified bidder Lupi Construction in the amount of \$83,208.00; Mr. Burk seconded the motion. The motion passed unanimously. Bids on file with the Office of the City Clerk.

Bid package 5 (Structural Steel Fabrication) bids were received from three contractors. Mr. Burk moved to approve the lowest, qualified bidder Dale Miller Enterprises in the amount of \$84,657.00; Mr. Kennedy seconded the motion. The motion passed unanimously. Bids on file with the Office of the City Clerk.

Bid package 6 (Structural Steel Erection) bids were received from two contractors. Mr. Burk moved to approve the lowest, qualified bidder Dale Miller Enterprises in the amount of \$64,500.00; Mr. Johnson seconded the motion. The motion passed unanimously. Bids on file with the Office of the City Clerk.

Bid package 7 (Roofing & Joint Sealants) bids were received from two contractors. Mr. Ezerski moved to approve the lowest, qualified bidder Brox Industries, LLC in the amount of \$91,750.00; Mr. Madigan seconded the motion. The motion passed unanimously. Bids on file with the Office of the City Clerk.

Bid package 8 (Exterior Metal Panels) No scope of work for this project. No action taken.

Bid package 9 (General Trades) bids were received from two contractors. Mr. Brace moved to approve the lowest, qualified bidder Smith and Pickel Construction in the amount of \$83,841.00; Mr. Ezerski seconded the motion. The motion passed unanimously. Bids on file with the Office of the City Clerk.

Bid package 10 (Millwork & Stone Counters) bids were received from four contractors. Mr. Burk moved to approve the lowest, qualified bidder Monticello Cabinets and Doors in the amount of \$80,851.00; Mr. Brace seconded the motion. The motion passed unanimously. Bids on file with the Office of the City Clerk.

Bid package 11 (Doors/Frames/Hardware (Materials)) bid was received from one contractor. Mr. Brace moved to approve the lowest, qualified bidder Smith and Pickel Construction in the amount of \$402,500.00; Mr. Burk seconded the motion. The motion passed unanimously. Bid on file with the Office of the City Clerk.

Bid package 12 (Glass/Glazing Systems) bid was received from one contractor. Mr. Madigan moved to approve the lowest, qualified bidder Smith and Pickel Construction in the amount of \$140,000.00; Mr. Ezerski seconded the motion. The motion passed unanimously. Bid on file with the Office of the City Clerk.

Bid package 13 (Framing/Drywall/Ceilings/FRP) bids were received from three contractors. Mr. Burk moved to approve the lowest, qualified bidder Drywall Systems, Inc. in the amount of \$757,300.00; Mr. Kennedy seconded the motion. The motion passed unanimously. Bids on file with the Office of the City Clerk.

Bid package 14 (Painting) bid was received from one contractor. Mr. Johnson moved to approve the lowest, qualified bidder Integrated Finishes, LLC in the amount of \$195,000.00; Mr. Kennedy seconded the motion. The motion passed unanimously. Bid on file with the Office of the City Clerk.

Bid package 15 (EIFS) bid was received from one contractor. Mr. Burk moved to approve the lowest, qualified bidder SW Exteriors, Inc. in the amount of \$93,300.00; Mr. Kennedy seconded the motion. The motion passed unanimously. Bid on file with the Office of the City Clerk.

Bid package 16 (Flooring & Tile (Tile/Soft Resilient)) bids were received from three contractors. Mr. Ezerski moved to approve the lowest, qualified bidder Reece Tile (Millcreek Carpet & Tile Co.) in the amount of \$221,499.00; Mr. Burk seconded the motion. The motion passed as follows: Mr. Brace-yes; Mr. Burk-yes; Mr. Ezerski-yes; Mr. Fortney-yes; Mr. Johnson-yes; Mr. Kennedy-abstain due to his company, Comanche Home Center was a competitive bidder; Mr. Madigan-yes. Bids on file with the Office of the City Clerk.

Bid package 17 (Division 10 Specialties (Materials)) bid was received from one contractor. Mr. Madigan moved to approve the lowest, qualified bidder Smith and Pickel Construction in the amount of \$38,080.00; Mr. Ezerski seconded the motion. The motion passed unanimously. Bid on file with the Office of the City Clerk.

Bid package 18 (Signage) bid was received from one contractor. Mr. Johnson moved to approve the lowest, qualified bidder G&S Signs in the amount of \$43,699.11; Mr. Ezerski seconded the motion. The motion passed unanimously. Bid on file with the Office of the City Clerk.

Bid package 19 (Digital Display Screens) This item postponed until future development. No action taken.

Bid package 20 (Folding Panel Partitions) bids were received from two contractors. Mr. Burk moved to approve the lowest, qualified bidder Best Companies, Inc. in the amount of \$9,531.00 (hardware) and Alternate 01 in the amount of \$118,282.00 (panel partitions); Mr. Kennedy seconded the motion. The motion passed unanimously. Bids on file with the Office of the City Clerk.

Bid package 21 (Plumbing Systems) bids were received from two contractors. Mr. Johnson moved to approve the lowest, qualified bidder Pippin Brothers, Inc. in the amount of \$271,600.00; Mr. Burk seconded the motion. The motion passed unanimously. Bids on file with the Office of the City Clerk.

Bid package 22 (HVAC Systems) bids were received from five contractors. Matt Thomas, Smith and Pickel representative, indicated after checking 3 references provided by low bidder Complete Comfort Services dba Cool It the recommendation was to set the bid aside due to negative feedback from the references. Mr. Burk moved to approve the second lowest, qualified bidder Pippin Brothers, Inc. in the amount of \$701,400; Mr. Ezerski seconded the motion. Mr. Fortney stated the difference between the low bid and second lowest bid was \$2,400.00. The motion passed unanimously. Bids on file with the Office of the City Clerk.

Bid package 23 (Electrical/Lighting Systems) bids were received from three contractors. Mr. Burk moved to approve the lowest, qualified bidder Wilmar Electric Service, Corp. in the amount of \$1,321,000.00; Mr. Madigan seconded the motion. The motion passed unanimously. Bids on file with the Office of the City Clerk.

Bid package 24 (Fire Alarm Systems) bids were received from four contractors. Mr. Ezerski moved to approve the lowest, qualified bidder Plan-it-Fire in the amount of \$17,619.00; Mr. Burk seconded the motion. The motion passed unanimously. Bids on file with the Office of the City Clerk.

Bid package 25 (Fire Sprinkler System) bids were received from two contractors. Mr. Burk moved to approve the lowest, qualified bidder Frazier Fire in the amount of \$49,824.00; Mr. Kennedy seconded the motion. The motion passed unanimously. Bids on file with the Office of the City Clerk.

Bid package 26 (Telecommunications) bids were received from four contractors. Mr. Brace moved to approve the lowest, qualified bidder Chief DataCom in the amount of \$65,627.59; Mr. Ezerski seconded the motion. The motion passed unanimously. Bids on file with the Office of the City Clerk.

Bid package 27 (CCTV) bids were received from six contractors. Matt Thomas, Smith and Pickel representative, indicated low bidder, Owens Communication, requested its bid be withdrawn after the bid opening. Mr. Burk moved to approve the second lowest, qualified bidder Chief DataCom in

the amount of \$4,934.50; Mr. Brace seconded the motion. The motion passed unanimously. Bids on file with the Office of the City Clerk.

Bid package 28 (Access Controls/Intrusion Detection) bids were received from three contractors. Mr. Burk moved to approve the lowest, qualified bidder Chief DataCom in the amount of \$45,352.50; Mr. Kennedy seconded the motion. The motion passed unanimously. Bids on file with the Office of the City Clerk.

Mr. Brace moved to approve the construction manager to 1) prepare the guaranteed maximum price amendment to the contract for consideration and action at an upcoming Trust board meeting and 2) to provide performance, payment and maintenance bonds in the amount equal to one hundred percent (100%) of the value of work, excluding the construction manager's fee, general conditions, reimbursements and insurances; Mr. Burk seconded the motion. The motion passed unanimously.

- B.** Consider approving providing written notice to Intouch Management Services and Insight Commercial Real Estate Brokerage of the Trust's desire to renew the Central Plaza Mall Management and Maintenance Agreement for the period FY 2022-2023 by mutual consent of the parties and upon receiving such consent, direct a renewed Agreement be prepared for approval effective July 1, 2022.

ACTION: Mr. Fortney read the passage from the agenda. Mr. Burk moved to approve providing written notice of the Trust's desire to renew the Central Plaza Mall Management and Maintenance Agreement for the period FY 2022-2023 and upon receiving mutual consent, direct a renewed Agreement be prepared for approval effective July 1, 2022; Mr. Ezerski seconded the motion. The motion passed unanimously (Copy of existing Central Mall Management and Maintenance Agreement and Appendices are on file in the Office of the City Clerk)

IV. Adjourn

The Chairman adjourned the meeting by motion.