



CONFIRMATION NOTICE No. 002

Date Issued: 6/28/2024

Project: PR2309 ELMER THOMAS PARK - AQUATIC CENTER
ELMER THOMAS PARK, LAWTON, OK
Client Contract Number: PR2309
Guernsey Project Number: 70480-004

Attachments: Bid Package from Miller-Tippens Construction Company
Price Estimate from White Consulting on behalf of Guernsey
Bid Tab

Distribution: Design Team
Joe Painter
Sneha Dongre
Scott Vaughn

Prepared By: J.D. Clark
Guernsey, Senior Architect

Re: Bid Recommendation

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- I. The city of Lawton received bids for the Elmer Thomas Park – Aquatic Center on June 26th, 2024. Miller-Tippens Construction Company was the sole bidder.
- A. All required documents were submitted and on time.
- 1) Bid Proposal, received.
 - 2) Bid bond, received. Bid security of 5% of the total amount bid.
 - 3) Anti-Collusion Affidavit, received.
 - 4) Business Relationship Affidavit, received.
 - 5) Experience and Capability Questionnaire, received.
 - 6) Addenda were acknowledged.
 - 7) Unit prices were given.
- B. Base bid:
- 1) \$14,600,000.00
- C. Alternate 1, Lazy River:
- 1) \$5,300,000.00

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5555 North Grand Boulevard
Oklahoma City, OK 73112-5507
405.416.8100

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- 2) Additional 120 calendar days to schedule.
- D. Total Bid:
- 1) \$19,900,000.00
 - 2) Additional 120 calendar days to schedule.
- E. Guernsey discussed over the phone with Michael Phillips, Miller-Tippens Construction Company, on Friday, June 28th, 2024 their bid and any clarifications.
- 1) The desire for the City of Lawton to be able to use the facility at the beginning of the season for 2025 was discussed.
 - a) Their current bid has it finishing 120 calendar days after mid-May.
 - b) Miller-Tippens Construction Company said they believed they could deliver the project on time but there was concern with a Liquidated Damage Clause of \$2,000 per day if not delivered on time.
 - c) Additionally, they were concerned with potential delays in starting this project, when it might go in front of the city council for approval, and how soon they could begin construction.
 - d) With the City of Lawton putting this project in front of the city Council on July 9th, 2024, it gives Miller-Tippens Construction Company the time needed to start the project quickly enough to finish on time.
 - e) Additionally, if the City of Lawton was willing to reduce or eliminate this condition, then Miller-Tippens construction Company would be willing to eliminate their 120 additional calendar days.
 - f) Miller-Tippens Construction Company, Guernsey, and the City of Lawton are willing to investigate potential items that could reduce the overall cost through a value engineering exercise. This would be done to help provide a budget back to the City of Lawton for a contingency and F,F&E.
- F. These items were discussed with City of Lawton representatives, Sneha Dongre and Scott Vaughn on June 28th, 2024, after the meeting with the Miller-Tippens Construction Company.
- G. Recommendation on accepting the bid from Miller-Tippens Construction Company.
- 1) Guernsey recommends accepting the bid with the modifications agreed to above with the following conditions.
 - a) That the City of Lawton has funding available when the city Council approves this bid.
 - 2) Reasons for this acceptance.
 - a) The main reason to accept this bid is schedule. The City of Lawton has communicated several times that this project is a priority for the City of Lawton and a completion date of mid-May is important.
 - i. This bid with a change order to eliminate the 120 additional days in alternate 1 will allow for the project to be completed by mid-May.
 - ii. A delay in rebidding this will guarantee that the project is not completed until 2026 summer.

- iii. A delay in rebidding rarely has resulted in a lower bid.
- iv. There is no guarantee that additional bidders will bid the project, if rebid.
- v. If it is rebid, Miller-Tippens Construction Company may also not rebid the project.
- vi. All these items mentioned would delay the construction start date on an already extremely tight schedule and make it untenable to accomplish a mid-May 2025 opening date.

END OF CONFIRMATION NOTICE NO.002