

RESOLUTION 22-16 – AUTHORIZING AN AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND R.E. PIERSON CONSTRUCTION CO. TO PROVIDE PRE-CONSTRUCTION SERVICES TO THE AUTHORITY FOR THE SHIP COLLISION PROTECTION SYSTEM PROJECT AT THE DELAWARE MEMORIAL BRIDGE

WHEREAS, the Delaware River and Bay Authority (the “Authority”) is a bi-state Authority of the State of Delaware and the State of New Jersey created by Compact that owns, operates and controls the Delaware Memorial Bridge; and

WHEREAS, the Authority’s Capital Improvement Program (“CIP”) includes a Ship Collision Protection System (“SCPS”) project that is designed to protect the Delaware Memorial Bridge from collisions by wayward vessels in the Delaware River (the “Project”); and

WHEREAS, in accordance with Resolution 22-02, the Executive Director was authorized to make use of the Construction Manager/General Contractor (“CM/GC”) approach to deliver the Project; and

WHEREAS, the Authority seeks to engage a qualified CM/GC to work with the Authority, its Designer, and an Independent Cost Estimator (ICE) to modify the existing design, discuss constructability, obtain pricing and schedule feedback on re-design options, identify risks and innovations based on the CM/GC's proposed means and methods, bring the project delivery cost under the Maximum Construction Budget, and develop a construction schedule indicating that the project will be completed on or before the required completion date (the “Pre-Construction Services”).

WHEREAS, the CM/GC Project delivery approach consists of three phases. During Phase 1A and Phase 1B the CM/GC will deliver the Pre-Construction Services and will ultimately deliver a Construction Cost Proposal; and during Phase 2, the CM/GC will coordinate and deliver the management and construction services to complete the Project in accordance with the aforementioned Construction Cost Proposal; and

WHEREAS, the Authority issued a Request for Proposals (“RFP”) for the Construction Manager/General Contractor (“CM/GC”) services and received four (4) proposals in response to the RFP; and

WHEREAS, a Selection Committee performed a preliminary evaluation of all proposals received and conducted interviews with each firm; and

WHEREAS, following interviews and evaluation, R.E. Pierson Construction Co. (“R.E. Pierson”) was designated as the highest-ranked firm; and

WHEREAS, the Authority conducted an analysis of the Pre-Construction Services fees proposed by R.E. Pierson, and finds them to be fair and reasonable; and

WHEREAS, the Authority wishes to enter into a Pre-Construction Services Agreement with R.E. Pierson. Notwithstanding the forgoing, if the DRBA is not satisfied with the work of R.E. Pierson during Phase 1A, the Authority will have no obligation to proceed to Phase 2 of the Project with R.E. Pierson; and

THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of a Pre-Construction Services Agreement with R.E. Pierson to provide Pre-Construction Services and to have such Agreement, with the advice and consent of Counsel, executed by the Chairperson, Vice-Chairperson and Executive Director. Additionally, at the conclusion of Project Phase 1, if the Authority, its consultant Project Designer and an Independent Cost Estimator each agree that the CM/GC's Construction Cost Proposal is within a defined range and that the CM/GC can meet the required project constraints, upon the additional approval of the Chairperson and Vice-Chairperson, the Executive Director is hereby authorized to finalize the terms and conditions of a subsequent Contract with R.E. Pierson for the management and construction of the of the Project and to have such Contract, with the advice and consent of Counsel, executed by the Executive Director.

Resolution 22-16 Executive Summary Sheet

Resolution: Authorizing an agreement between the Delaware River and Bay Authority and R.E. Pierson Construction Co. to provide pre-construction services to the Authority for the Ship Collision Protection System Project at the Delaware Memorial Bridge

Committee: Projects Committee

Committee/

Board Date: April 19, 2021

Purpose of Resolution:

To authorize the Delaware River and Bay Authority and R.E. Pierson Construction Co. to enter into an agreement for pre-construction services for the Ship Collision Protection System Project at the Delaware Memorial Bridge.

Additionally, upon the approval of the Chairperson and Vice-Chairperson, and with the advice and consent of Counsel, this resolution authorizes the Executive Director to finalize and execute a subsequent Contract with R.E. Pierson to provide the management and construction of the Project, if the Authority, its consultant Project Designer and an Independent Cost Estimator each agree that the CM/GC's Construction Cost Proposal is within a defined range and that the CM/GC can meet the required project constraints.

Background for Resolution:

This Resolution is a product of Resolution 22-02, which authorized the Authority to pursue a Construction Manager/General Contractor ("CM/GC") approach for the Ship Collision Protection System project at the Delaware Memorial Bridge. Following Resolution 22-02, the Authority developed an RFP for CM/GC Services for the project and solicited and received proposals from the following four (4) firms:

Agate Construction Co., Inc.
PKF Mark III, Inc./Wagman, a Joint Venture
R.E. Pierson Construction Co.
Weeks/Trumbull, a Joint Venture

The Selection Committee conducted interviews with each firm and utilized the published evaluation criteria to establish a final ranked list of firms, with R.E. Pierson Construction Co. being identified as the highest-ranked. The Authority then requested a Pre-Construction Services Cost Proposal from R.E. Pierson, analyzed the rates proposed and, following negotiations, determined the maximum rates and fees to be fair and reasonable.

This resolution therefore authorizes the Authority and R.E. Pierson Construction Co. to enter into an agreement for pre-construction services for the Ship Collision Protection System Project at the Delaware Memorial Bridge.

Following the conclusion of the Preconstruction Service Phase of the Project, if the Authority, its consultant Project Designer and an Independent Cost Estimator each agree that R.E. Pierson's Construction Cost Proposal is within a defined range and that the CM/GC can meet the required project constraints, upon the additional approval of the Chairperson and Vice-Chairperson and with the advice and consent of Counsel, this resolution pre-authorizes the Authority to enter into a subsequent Contract with R.E. Pierson for the management and construction of the Project and to have such Contract executed on behalf of the Authority by the Executive Director.