



VILLAGE OF KIMBERLY, WI
NOTICE OF BOARD MEETING

DATE: Monday, November 27, 2023
TIME: 6:00pm
LOCATION: Village Hall, Rick J. Hermus Council Chambers
515 W. Kimberly Ave.
Kimberly, WI 54136

Notice is hereby given that a Village Board meeting will be held on Monday, November 27, 2023, at the Village Hall. This meeting is open to the public and the agenda is listed below.

- 1) Call to Order
- 2) Roll Call
- 3) Moment of Silent Reflection, Pledge of Allegiance
- 4) President's Remarks
- 5) Consideration of Value Engineering Options for Village Streets and Parks Facility Project
- 6) Public Participation
- 7) Adjournment

Village Board VIRTUAL OPTION

Nov 27, 2023, 6:00 – 6:30 PM (America/Chicago)

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/197169213>

You can also dial in using your phone.

Access Code: 197-169-213

United States (Toll Free): [1 877 309 2073](tel:18773092073)

United States: [+1 \(571\) 317-3129](tel:+15713173129)

Any person wishing to attend the meeting, who because of disability is unable to attend, is requested to contact the ADA Coordinator at 920-788-7500 at least 48 hours prior to the meeting so that reasonable accommodations may be made.



Village of Kimberly REQUEST FOR BOARD CONSIDERATION

ITEM DESCRIPTION: Consideration of Value Engineering Options for Village Streets and Parks Facility Project

REPORT PREPARED BY: Maggie Mahoney, Administrator/Comm Dev Director
Greg Ulman, Director of Public Works/Zoning Administrator
Holly Femal, Community Enrichment Director

REPORT DATE: November 27, 2023

EXPLANATION:

At the November 13, 2023 Village Board meeting, the analysis and findings of the Value Engineering Exercise were presented. Staff are now bringing the item forward for consideration.

Staff are providing supplemental information for consideration through the following attachments:

1. Itemized/more detailed list of project costs. Please note that the cost savings presented at the 11/13/23 meeting for Furniture/Fixtures/Equipment are reflected.
2. The Village Attorney has provided his analysis of the design-builder question. In sum, it is not allowed per the state statutes regarding public bidding for public works projects; nor is there an exemption for this type of project under other statutes.
3. **Itemized list of Value Engineering Cost Savings Options for consideration.**
A table is provided with options identified by letter (A-J) and includes the net savings, impact on schedule and staff recommendation. *Note, these options can be selected individually by line-item (with exception of Option B metal roof which is dependent on Option A metal building) and the schedule extension is not cumulative—20 weeks is the longest possible time extension no matter how many/which options are selected.*

Staff recommended cost savings summary:

(F) \$29,665 savings to remove Outdoor Site Amenities, 2 week schedule extension

(H) \$43,500 savings to remove PA system, 2 week schedule extension

(J) \$136,695 savings to remove concrete at truck doors, 2 week schedule extension

\$209,860 Total estimated cost savings and 2 week schedule extension

RECOMMENDED ACTION: Staff prefers no changes to the design; however, should cost saving be considered, we recommend any combination of options F, H, and J (as detailed above).

Should the board choose to identify project cost saving options, please list each option selected (by letter) as part of the motion.

Village of Kimberly Street and Parks Facility Estimate Detail	11.27.23
Item	Cost
Excavation	\$433,500.00
Precast walls and plank	\$943,700.00
Concrete	\$1,015,682.00
Plumbing	\$875,000.00
HVAC	\$1,785,000.00
Electrical	\$1,500,000.00
Steel	\$918,000.00
Roofing	\$850,000.00
Fire supression	\$175,000.00
Carpentry	\$157,000.00
Finishes	\$350,000.00
OH doors	\$120,000.00
Site costs	\$336,600.00
Masonry	\$225,000.00
Metal wall panels	\$255,000.00
Paving	\$385,000.00
Misc. items- Painting, window treatments, misc. metals, glass, doors and frames, lockers, specialties, acoustic ceilings etc.	\$675,000.00
General Conditions and bond	\$1,380,000.00
Building demolition	\$165,000.00
Furniture/Fixtures/Equipment	\$170,000.00
Design	\$524,400.00
TOTAL COST	\$13,238,882.00
TOTAL COST at 20% increase	\$15,886,658.40



memo

To: Village Board
From: Maggie Mahoney | Administrator
CC:
Date: November 21, 2023
Re: Legal Opinion on using one vendor for design-build projects

Per Attorney Koehler on 11/14/23:

Public Bidding for Public Works in Village is governed by section 61.54 and 66.0901 (1m)(a) Wis. Stats.

- Section 61.54 adopts by reference the procedures applicable to cities for bidding in 62.5 Wis. Stats.
- Section 62.15 “Public Works” (1) requires all public works contracts for an estimated costs over \$25,000 to be publicly bid.
- Section 66.0901 (1m) (a) requires the sealed bid process, and awarding the bid to the “lowest responsible bidder”, which is also a requirement in 62.15 (1) Wis. Stats.
- There is an exception for public bidding for village and cities if all the materials are donated or if the labor for the project is provided by volunteers.

“Design services” have traditionally not been considered “Public Works” subject to bidding, but it has been my experience that the construction work cannot be combined with design services to avoid the public bidding requirement.

The public policy behind public bidding is protection of the tax payers funds, avoidance of favoritism, fraud, etc. Circumvention of this protection by combining construction work with design services would probably run afoul a public policy in the eyes of the court absent a specific statutory or court created exception which I am not aware of at this time.

Attorney Koehler provided the following supplemental information on 11/16/23 in response to a request to also look at WS 13.48 (19) or WI Act 58 (2017) and their relevance to this question:

Section 13.48 Wis Stats created a State “Building Commission” consisting of the Governor, 3 senators and 3 representatives from the County. It appears to me that section 13.48 entitled long-range public building program applies to state buildings.

- Section 13.48 (19) allows for alternative contracting procedures if approved by the state Building Commission.
- Section 13.48 (2)(b) 2. Refers to construction of new buildings or additions used for housing State offices and for general State purposes.
- 13.48 (19) gives the building commission authority to waive certain procedures when it is in the best interest of the State and approved by the Building Commission.

Wisconsin Act 58 (2017) Amended section 61.57 entitled “Acquisition of Facilities without bids” but only for certain projects including:

- 1) A recycling or resource recovery facility.
- 2) If the village contains an electronics and information technology manufacturing zone that is designated under s. 238.396 (1m):
 - a. Water and sewer systems.
 - b. Wastewater treatment facilities.

I looked at this statute before issuing my memo but didn’t include it because the streets and park facility project didn’t fit any of the exemption categories under 61.57.

VALUE ENGINEERING COST SAVINGS OPTIONS FOR CONSIDERATION (11/27/23)								
Option	Value Engineering Item	Redesign (Y/N)	Construction Cost savings	*Cost offset (Design, GCs etc.)	Net savings	**Schedule Extension	Notes	Staff recommendation
A.	Metal building in lieu of precast wall panels	Y	-\$1,353,920	\$188,880	-\$1,165,040	20 weeks	Includes site plan review, state plan reviews in overall schedule extension	Keep due to schedule impact
B.	Pitched Metal roof structure to replace flat roof	Y	-\$101,000	\$54,000	-\$47,000	20 weeks	Contingent on a metal building (Option A). Includes site plan review, state plan reviews in overall schedule extension	Keep due to schedule impact and design/aesthetics.
C.	Office Space Reduction	Y	-\$261,660	\$124,272	-\$137,388	20 weeks	Includes site plan review, state plan reviews in overall schedule extension	Keep due to schedule impact
D.	Entry Roof Pitch Removal	Y	-\$135,000	\$30,000	-\$105,000	8 weeks	Modify structural and architectural, electrical, mechanical drawings	Keep due to schedule impact
E.	Landscaping - remove plantings (i.e. plants, trees, shrubs) and hardscapes (i.e. pavers, stamped concrete approach), amenity utility stubs	Y	-\$45,313	\$3,540	-\$41,773	2 weeks	Modify site plan and specifications	Keep due to overall coordination and quality/design/aesthetic impact
F.	Outdoor Site Amenties - remove amenities such as benches, drinking fountain, bike rack, flag pole, receptacles, etc	Y	-\$32,125	\$2,460	-\$29,665	2 weeks	Modify site plan and specifications	Remove these costs, could be added later
G.	Remove manual pulls for Fire Alarm System	Y	-\$48,300	\$4,800	-\$43,500	2 weeks	Modify low voltage plans and specifications	Keep due to enhanced safety
H.	Remove public announcement (PA) system	Y	-\$24,150	\$2,580	-\$21,570	2 weeks	Modify low voltage plans and specifications	Remove this cost, not a necessary item
I.	Change light fixtures to flat panel, non-architectural fixtures	Y	-\$10,000	\$1,800	-\$8,200	2 weeks	Modify lighting plans and specifications	Keep due to design/aesthetic impact
J.	Site/Civil pavement changes - remove concrete at truck doors	Y	-\$139,995	\$3,300	-\$136,695	2 weeks	Modify site plan and specifications	Remove this cost, could install concrete in-house or replace asphalt when asphalt breaks down
TOTAL (all options)			-\$2,151,463	\$415,632	-\$1,735,831			
* Net construction and design cost offsets include 20% for general conditions and contingency.								
** Schedule extension 8 weeks or more would also require additional lease costs which are not included. An additional lease year is ~\$120,000.								