

Mayor and Council Communication

DATE: 09/12/23

M&C FILE NUMBER: M&C 23-0770

LOG NAME: 21NORTHWEST CC CONTRACT AMENDMENT

SUBJECT

(CD 7) Authorize Execution of a Change Order for Construction Manager at Risk Contract with Byrne Construction Services, in an Amount of \$2,195,647.00, Including an Owner's Construction Contingency Allowance, for a Total Project Budget of \$17,343,647.00 , Adopt Appropriation Ordinance and Amend the Fiscal Years 2023-2027 Capital Improvement Program (2018 Bond Program) for Northwest Community Center

RECOMMENDATION:

It is recommended that the City Council

1. Authorize a change order for Construction Manager at Risk contract with Byrne Construction Services, in an amount of \$2,195,647.00, including an Owner's Construction Contingency Allowance, for a total project budget of \$17,343,647.00;
2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the PARD Dedication Fees in the amount of \$2,500,000.00, from available funds, for the purpose of funding \$2,200,000.00 for the Northwest Community Center project (City Project No. 101650) and \$300,000.00 for the Northwest CC South Drive project (City Project No. 102759); and
3. Amend the Fiscal Years 2023-2027 Capital Improvement Program for the Northwest Community Center.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to authorize the execution of a change order for Construction Manager at Risk contract with Byrne Construction Services, in an amount of \$2,195,647.00, including an Owner's Construction Contingency Allowance, for a total project budget of \$17,343,647.00 for the new Northwest Community Center.

The 2018 Bond Program included construction of a new Northwest Community Center. It was determined that the CMAR would be the best delivery method. Following a Request for Qualifications (RFQ) process and interviews, staff administratively executed a professional services agreement with Brinkley Sargent Wiginton Architects, Inc. Once a scope of work and initial budget was defined, a Request for Qualifications was advertised in the *Fort Worth Star-Telegram* on September 23, 2021 and September 30, 2021. The City of Fort Worth received twelve proposals from CMAR contractors and it was determined that the Byrne Construction Services proposal offered the best value to the City.

The overall project costs are expected to be as described in table below:

Project Budget	TOTALS
Architectual Design Fees	\$ 1,165,277.00
Anticipated CMAR Construction Cost (Including Owner's Construction Allowance)	\$12,905,086.00
Change Order	\$ 2,195,647.00
Project Administration Cost (Site Utilities, IT, Security, Project Management, Contingency, FFE, Kitchen Equipment, Etc.)	\$ 1,077,637.00
PROJECT TOTAL	\$17,343,647.00

Funding for this Change Order was not included in the Fiscal Years (FY) 2023-2027 Capital Improvement Program due to inflated materials costs, and unanticipated utilities costs, which include the requirement that the domestic water and fire line be a looped system connecting the southern subdivision and Blue Mound Road. The action in this M&C will amend the FY2023-2027 Capital Improvement Program as approved in connection with Ordinance 25773-09-2022.

This project is included in the 2018 Bond Program. Available resources within the General Fund will be used to provide interim financing until debt is issued. Once debt associated with the project is sold, bond proceeds will reimburse the General Fund in accordance with the statement expressing official Intent to Reimburse that was adopted as part of the ordinance canvassing the bond election (Ordinance No. 23209-05-2018) and subsequent actions taken by the Mayor and Council.

Building Operating and Maintenance - There are several operating and maintenance costs associated with the new facility. Property Management Department anticipates the annual operating impact for maintenance associated with this project, beginning in the second quarter of Fiscal Year 2024, to be \$187,000.00 annually. The Park & Recreation Department anticipates the annual operating impact for grounds maintenance associated with this project, beginning in the second quarter of Fiscal Year 2024, to be \$20,951.00 annually. Summary of all costs is as follows:

Operating and Maintenance Costs	
Facilities Maintenance	\$43,500.00
Facilities Services	\$43,500.00
Utilities	\$100,000.00
Landscape	\$20,951.00
Total	\$207,951.00

Waiver of Building Permits - In accordance with the City Code of Ordinances, Part II, Chapter 7-1 Fort Worth Building Administrative Code, Section 109.2.1, Exception 2; "Work by non-City personnel on property under the control of the City of Fort Worth shall be exempt from the permit fees only if the work is for action under a contract that will be or has been approved by City Council with notes in the contract packages stating the fee is waived."

Business Equity – Byrne Construction Services. agrees to maintain its initial M/WBE commitment of 20% that it made on the original contract and extend and maintain the same M/WBE commitment of 20% to this first change order. Therefore Byrne Construction Services remains in compliance with the City's M/WBE Ordinance and attests to its commitment by its signature on the Acceptance of Previous M/WBE Commitment form executed by an authorized representative of its company.

The new Northwest Community Center is located in COUNCIL DISTRICT 7.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available in the Neighborhood Park Units 5-01, 5-17, and 6-06 projects within the PARD Dedication Fees Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in the PARD Dedication Fees Fund for the Northwest Community Center project and the Northwest CC South Drive project for the execution of the change order. Prior to any expenditure being incurred, the Property Management and Park and Recreation Departments have the responsibility to validate the availability of funds.

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Expedited