

Mayor and Council Communication

DATE: 10/15/24

M&C FILE NUMBER: M&C 24-0894

LOG NAME: 202018 RAILROAD TRE AT HALTOM AFA - AMENDMENT 2

SUBJECT

(CD 11) Authorize the Execution of a Contract with McClendon Construction Company Inc. in the Amount of \$891,052.50 for Construction of the 2018 Railroad Trinity Railway Express at Haltom Road Project, Adopt a Resolution Authorizing the Execution of Amendment No. 2 to an Advance Funding Agreement with the Texas Department of Transportation, Adopt Appropriation Ordinance, Approve the Temporary Closure of Haltom Road on Either Side of the Railroad Track, Amend the Fiscal Years 2025-2029 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize execution of a contract with McClendon Construction Company Inc., in the amount of \$891,052.50, for the construction of the 2018 Railroad Trinity Railway Express at Haltom Road project (City Project No. 104003);
2. Adopt the attached resolution authorizing execution of Amendment No. 2 to the Advance Funding Agreement with the Texas Department of Transportation (City Secretary Contract No. 58042) for the 2018 Railroad Trinity Railway Express at Haltom Road project (City Project No. 104003) to increase the total Advance Funding Agreement amount from \$803,362.00 to \$1,177,699.00 with City Participation in the Amount of \$229,832.00;
3. Adopt the attached appropriation ordinance, increasing estimated receipts and appropriations in the Grants Capital Project State Fund, subject to receipt of the grant, in the amount of \$351,688.00 for the purpose of funding the 2018 Railroad - Trinity Railway Express at Haltom Road project (City Project No. 104003);
4. Approve the temporary closure of a section of Haltom Road between Etsie Street and the first driveway south of the Trinity Railroad Express railroad track from December 2, 2024, to April 30, 2025, to allow for roadway reconstruction to eliminate the existing railroad crossing hump as part of the 2018 Railroad Trinity Railway Express at Haltom Road project (City Project No. 104003); and
5. Amend the Fiscal Years 2025-2029 Capital Improvement Program.

DISCUSSION:

The 2018 Railroad – TRE at Haltom Road project’s objective is railroad crossing safety improvements, which include the elimination of the roadway hump, installation of a median, refreshing the pavement markings, installation of signage, and the reconstruction of the deteriorated roadway.

The City of Fort Worth advertised the 2018 Railroad - Trinity Railway Express (TRE) at Haltom Road (City Project No. 104003) in the *Fort Worth Star-Telegram* on April 11, 2024, and April 18, 2024.

The following bids were received on May 9, 2024:

Bidders	Amount
McClendon Construction Company, Inc	\$891,052.50
Fort Worth Civil Construction, LLC	\$942,843.20

The table below summarizes past appropriations, sources, additional funding, and the estimated total cost of the project at completion:

2018 Railroad – TRE at Haltom Road (City Project No. 104003)			
Fund	Existing Funding	Additional Appropriation	Project Funding Total
34018 – 2018 Bond	\$537,000.00	\$0.00	\$537,000.00
31002 -Grants Capital	539,365.00	351,688.00	891,053.00

Project - State			
Grand Total	\$1,076,365.00	\$351,688.00	\$1,428,053.00

On May 10, 2022, the City Council adopted a resolution to authorize the execution of an Advanced Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) (City Secretary Contract No. 58042) for the construction of the 2018 Railroad - TRE at Haltom Road (City Project No. 104003) (M&C 22-0333). On November 29, 2022, the City Council adopted a resolution authorizing the execution of Amendment No. 1 to the AFA with TxDOT for an increase in federal participation in the construction responsibilities to 100% from 73% and a decrease in indirect state cost by \$288.00 (M&C 22-0985). Under Amendment No. 1, the City would have been responsible for cost overruns after the federal funding reached the maximum amount obligated of \$539,365.00.

After opening the bids, the low-responsive bidder's bid price was \$351,688.00 higher than the estimated construction cost on the executed AFA. The Transportation and Public Works Department (TPW) contacted TxDOT to request additional federal funds to cover the additional construction cost.

This AFA amendment No. 2 modifies the agreement to include this additional \$351,688.00 in federal funding. The City of Fort Worth will be responsible for additional construction cost increases.

The appropriations for the federal grant will be increased, as shown below.

Fund	Original Budget (M&C 22-0333)	Amendment No. 1 (M&C 22-0985)	Amendment No. 2 (This M&C)	Revised Budget
31002 -Grants Capital Project - State	\$393,736.00	\$145,629.00	\$351,688.00	\$ 891,053.00
Unappropriated Indirect State Cost	34,453.00	-288.00	22,649.00	56,814.00
34018 - 2018 Bond Program Fund	375,461.00	-145,629.00	0.00	229,832.00
Grand Total	\$803,650.00	-\$288.00	\$374,337.00	\$1,177,699.00

Additional Federal funding for this project was not included in the Fiscal Years (FY) 2025-2029 Capital Improvement Program because final construction costs were unknown at the time of project budget development. The action in this M&C will amend the FY2025-2029 Capital Improvement Program as approved in connection with Ordinance 27176-09-2024.

The City of Fort Worth Transportation and Public Works Department, on behalf of Capital Delivery, requests the temporary closure of a section of Haltom Road between Etsie Street and the first driveway south of the TRE railroad Track from December 2, 2024, to April 30, 2025, to allow the contractor to perform the roadway reconstruction. The existing roadway at this project location has two (2) lanes, one lane each way. The project scope includes the elimination of the existing railroad crossing hump, which requires the roadway to be closed for the safety of the road users during construction. The detour plan for the roadway closure is attached to this M&C. The Capital Delivery project manager has informed the responsive low bidder, McClendon Construction Company, Inc., that Realize Truck Parking at Fort Worth (Southwest property to the railroad crossing) shall always have access to its driveway during construction.

DVIN:

This construction contract is 100% federally funded and there are no City of Fort Worth dollars in the construction contract. TxDOT set the Disadvantaged Business Enterprise (DBE) goal at 0% for this construction contract.

The project is located in COUNCIL DISTRICT 11.

A Form 1295 for the construction contract with McClendon Construction Company, Inc. is attached to this M&C.

A Form 1295 for AFA Amendment No. 2 is not required because this amendment will be with a governmental entity, state agency, or public institution of higher education: State and TxDOT.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds

will be available in the current capital budget, as appropriated, in the Grants Capital Project State Fund and in the 2018 Bond Program Fund. The Transportation and Public Works Department (and Financial Management Services) will be responsible for the collection and deposit of funds due to the City. Prior to an expenditure being incurred, the Transportation and Public Works Department has the responsibility to validate the availability of funds. This is a State Advance grant.

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