

Mayor and Council Communication

DATE: 10/31/23

M&C FILE NUMBER: M&C 23-0945

LOG NAME: 2024 E. 1ST ST/ E. 4TH ST ON-STREET BIKE LANE CONSTR CONTRACT

SUBJECT

(CD 8 and CD 11) Authorize Execution of a Contract with The Fain Group, Inc., in the Amount of \$2,916,021.70 for the East 4th Street and East 1st Street Federally Funded On-Street Bike Lane Construction Project, Adopt Appropriation Ordinance and Amend the Fiscal Years 2024-2028 Capital Improvement Program (2022 Bond Program)

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize execution of a contract with The Fain Group, Inc., in the amount of \$2,916,021.70 for the construction of the East 4th Street and East 1st Street On-Street Bike Lane Project (City Project No. 102601);
2. Adopt the attached appropriation ordinance adjusting appropriations in the 2022 Bond Program Fund in the amount of \$900,000.00 by increasing appropriations in the East 4th Street-East 1st Street On-Street Bike Lane project (City Project No. 102601), and by decreasing appropriations in the Bicycle Facilities programmable project (City Project No. PB0021) by the same amount; and
3. Amend the Fiscal Years 2024-2028 Capital Improvement Program.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to authorize execution of a contract with The Fain Group, Inc., in the amount of \$2,916,021.70 and authorize an additional \$900,000.00 in funding for additional construction and construction administration costs associated with the East 4th Street-East 1st Street On-Street Bike lane Project (City Project No. 102601).

The City of Fort Worth advertised for the construction of the East 4th Street – East 1st Street On-Street Bike Lane project (City Project No. 102601) in the *Fort Worth Star-Telegram* on May 25 and June 1, 2023.

The following bids were received on June 29, 2023:

Bidders	Amount
The Fain Group	\$2,916,021.70
Fort Worth Civil Contractors LLC	\$3,524,034.96

The low bid was approximately \$700,000.00 more than the engineer of record’s estimate at the pre-bid phase due to price escalations in materials and labor costs. The East 4th Street-East 1st Street project provides for the construction of new, separated bicycle lanes, bicycle and pedestrian signalization, bicycle and pedestrian counters, and related intersection improvements along the project corridor. The project received \$2,332,000.00 in Federal Funds via Advanced Funding Agreements (AFAs) with the Texas Department of Transportation (TxDOT) (M&C 21-0715, City Secretary contract numbers 56524 and 56766 (CSJ#: 0902-90-195 & CSJ#: 0902-90-196), respectively).

The total project budget cost has a shortfall of approximately \$900,000.00, of which \$700,000.00 is for construction and \$200,000.00 is for construction administration cost and construction contingency for unknowns. The additional funds will come from the 2022 Bond Program Fund.

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

East 4th Street - East 1st Street On-Street Bike Lane (CPN 102601)			
Fund	Existing Funding	Additional Appropriation	Project Funding Total
34014 - 2014 Bond	\$ 23,200.00		\$ 23,200.00
34018 - 2018 Bond	\$1,021,800.00		\$1,021,800.00
34027 - 2022 Bond		\$ 900,000.00	\$ 900,000.00
31001 - Grants Capital Projects - Federal	\$2,332,000.00		\$2,332,000.00
31003 Grants Capital Project - Others	\$ 466,400.00		\$ 466,400.00
Grand Total	\$3,843,400.00	\$ 900,000.00	\$4,743,400.00

Funding for this project was not included in the Fiscal Years (FY) 2024-2028 Capital Improvement Program because final construction costs were not known at the time of CIP development. The action in this M&C will amend the FY2024-2028 Capital Improvement Program as approved in connection with Ordinance 26453-09-2023.

This project is included in the 2022 Bond Program. The City's Extendable Commercial Paper (ECP) (M&C 22-0607; Ordinance 25675-08-2022) provides liquidity to support the appropriation. Available resources will be used to actually make any interim progress payments until debt is issued. Once debt associated with a project is sold, debt proceeds will reimburse the interim financing source in accordance with the statement expressing official Intent to Reimburse that was adopted as part of the ordinance canvassing the bond election (Ordinance 25515-05-2022).

Funding is budget in the Bicycle Facilities project within the 2022 Bond Program Fund.

Since this project has federal funds, TxDOT set the Disadvantaged Business Enterprise (DBE) goal. The TxDOT DBE goal on this project is 6%. The Fain Group Inc. is in compliance with the TxDOT DBE goal for the project by committing 6.23%.

This project is located in COUNCIL DISTRICT 8 and COUNCIL DISTRICT 11.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available in the Bicycle Facilities project within the 2022 Bond Program Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in the 2022 Bond Program Fund for the E 4th St & E 1st St Improvement project to support the above recommendations and execution of the contract. Prior to an expenditure being incurred, the Transportation and Public Works Department has the responsibility of verifying the availability of funds.

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