

Mayor and Council Communication

DATE: 12/01/20

M&C FILE NUMBER: M&C 20-0877

LOG NAME: 20HEMPHILL CHANGE ORDER #4 REVISION

SUBJECT

(CD 9) Rescind M&C 20-0661 Authorizing Revisions to Change Order Number 4 to the Construction Manager-at-Risk Agreement with McCarthy Building Companies, Inc., for the Final Works Package for the Construction of the Hemphill Street Connector Project and Authorize a Revised Change Order Number 4 for the Final Works Package for the Construction of the Hemphill Street Connector Project Reflecting a Credit in the Amount of \$4,567,222.00, Thereby Establishing the Final Contract Price of \$30,562,691.00

RECOMMENDATION:

It is recommended that the City Council rescind M&C 20-0061 authorizing Change Order Number 4 to City Secretary Contract Number 45717, as amended, the Construction Manager-at-Risk Agreement with McCarthy Building Companies, Inc. for the Final Works Package for the construction of the Hemphill Street Connector project, and authorize a revised Change Order No. 4 for a credit in the amount of \$4,567,222.00, thereby establishing the final contract price of \$30,562,691.00.

DISCUSSION:

The Hemphill Connector project extends from Lancaster Avenue to West Vickery Boulevard under Union Pacific Railroad and Interstate Highway (IH) 30. This project includes the construction of a new four-lane arterial street with turn lanes, railroad bridges and tracks, excavation, retaining walls, paving, storm drainage improvements, shared use paths, sidewalks, streetlights, traffic signals, landscaping and irrigation.

On June 20, 2017 (M&C C-28289), the City Council authorized Amendment No. 3 to City Secretary Contract No. 45717, the Construction Manager-at-Risk Agreement with McCarthy Building Companies, Inc. and established the Guaranteed Maximum Price in the amount not to exceed \$37,477,466.00 for the construction of the Hemphill Connector project. The project consisted of two work packages: the Final Works Package (GMP 2) in the amount of \$35,408,258.00 which included the construction of the railroad track and bridge, excavation, retaining walls, traffic signals, streetlights, concrete paving, sidewalks, storm drains, and landscaping to complete the project; and the Stormwater Facilities Early Works Package 1 (GMP 1) (M&C C-27065, 10/28/14) in the amount of \$2,069,188.00, which was completed by July 2015.

McCarthy's contract was previously revised by Change Order No. 1 in the amount of \$73,092.00 administratively authorized on April 12, 2018, Changer Order No. 2 in the amount of \$6,940.60 administratively authorized on September 17, 2018, and Change Order No. 3 (M&C C-29170) in the amount of \$198,312.40 authorized by City Council on June 25, 2019. These change orders reduced McCarthy's contract amount in order to execute Discretionary Service Agreements with Oncor Electric Delivery Company, LLC for the relocation of their electric utilities in the vicinity of the Hemphill Connector project.

Change Order No. 4 will close McCarthy Building Companies, Inc.'s construction contract and refund the City and Tarrant County a total amount of \$4,567,222.00 which consists of \$3,073,256.00 for allowance items, \$986,684.00 for contingency items, and \$507,282.00 for unspent budget items. These credits are due to McCarthy's and the City's efforts to efficiently construct the Union Pacific bridges and tracks to eliminate downtime, reduce general conditions expenses, identify and relocate utilities within the right-of-way, and extensively test the existing soil to ensure there was not the need for disposal of hazardous earth. M&C 20-0661 inaccurately stated the total credit amount as \$4,619,664.00 and the final contract price as \$30,510,249.00.

Construction for the Hemphill Connector project has been completed, and the final inspection was held on April 9, 2020.

The following table demonstrates the funding history for the project:

Fund	Existing Funding	Project Total
30106 Intergovernmental Contributions	\$26,448,803.00	\$26,448,803.00
39403 Street Improvement	\$10,734,896.73	\$10,734,896.73
39406 Street Improvement Supplement	\$15,867,286.88	\$15,867,286.88

Project Total:	\$53,050,986.61	\$53,050,986.61
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M/WBE OFFICE - McCarthy Building Companies, Inc., is in compliance with the City's BDE Ordinance by committing to 15% MBE participation for the overall project. The City's MBE goal on this project is 15%.

This project is located in COUNCIL DISTRICT 9.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the current capital budget, as previously appropriated, in the Intergovernmental Contributions Fund for the Hemphill Connector project to support the approval of the above recommendation and authorization of the change order. Prior to any expenditure being incurred, the Transportation & Public Works Department has the responsibility to validate the availability of funds.

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