

Mayor and Council Communication

DATE: 02/14/23

M&C FILE NUMBER: M&C 23-0084

LOG NAME: 21BOTANIC GARDEN GREENHOUSE CONSTRUCTION

SUBJECT

(CD 8 / Future CD 8) Authorize Execution of a Job Order Contract with F.H. Paschen, Nielsen & Associates, LLC, in the Not to Exceed Amount of \$1,289,209.00, for Construction of a Greenhouse to Serve the Fort Worth Botanic Garden, at the Rolling Hills Tree Farm, 2525 Joe B Rushing Road, Adopt Appropriation Ordinance and Amend the Fiscal Years 2023-2027 Capital Improvement Program (2020 Tax Notes and 2022 Bond Program)

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize execution of a job order contract with F.H. Paschen, Nielsen & Associates, LLC, in the not to exceed amount of \$1,289,209.00, for the construction of a greenhouse to serve the Fort Worth Botanic Garden, at the Rolling Hills Tree Farm;
2. Adopt the attached appropriation ordinance adjusting appropriations in the 2022 Bond Program Fund by increasing appropriations in the BG Replace Fiberglass Greenhouse project (City Project Number 102829) in an amount of \$520,000.00 and decreasing appropriations in the Fort Worth Botanic Gardens programmable project (City Project Number PB0025) by the same amount; and
3. Amend the Fiscal Years 2023-2027 Capital Improvement Program.

DISCUSSION:

It is the purpose of this Mayor and Council Communications (M&C) to recommend that City Council authorize execution of a job order contract with F.H. Paschen, Nielsen & Associates, LLC, in the not to exceed amount of \$1,289,209.00, for the construction of a production greenhouse to serve the Fort Worth Botanic Garden (FWBG), at the Rolling Hills Tree Farm, 2525 Joe R. Rushing Road.

On October 10, 2017, City Council authorized the execution a contract with the Botanical Research Institute of Texas (BRIT) to manage education and volunteer programs at the FWBG (M&C C-28427). On May 19, 2020, City Council authorized the execution of the second amendment to this contract for complete management of the FWBG (M&C 20-0347). The City agreed to provide funding for capital improvements and repairs over a 12 year period. The production greenhouse is one of the capital improvent projects. After a master planning effort, it was determined that this production greenhouse would best be located off site. The Park & Recreation Department (PAR) and BRIT are developing a Memorandum of Understanding and the necessary Chapter 26 documentation to allow the construction of this facility at the Rolling Hills Tree Farm. It was determined that a Job Order Contractor, in conjunction with greenhouse providers familiar with the FWBG's operations would be the most efficient way of delivering this project. The total cost of construction exceeded \$500,000.00. State law requires the governing body (City Council) to approve job order contracts in excess of \$500,000.00. F.H. Paschen, Nielsen & Associates, LLC is one of seven construction companies authorized to provide job order contracting services (M&C 22-0577). Staff recommends that City Council authorize execution of this job order contract with F.H. Paschen, Nielsen & Associates, LLC.

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

| Botanic Garden Production Greenhouse | TOTALS |
|--|-----------------------|
| Project Administration Cost (Site Utilities, IT, Security, Project Management, Contingency, FFE, Etc.) | \$178,950.00 |
| Anticipated JOC Construction Cost (Including Owner's Construction Allowance) | \$1,289,209.00 |
| PROJECT TOTAL | \$1,468,159.00 |

The FWBG is managed by the BRIT. This contract will have no impact on the PAR's annual operating budget.

The action in this M&C will amend the TPW's Contribution to the Fiscal Years 2023-2027 Capital Improvement Program as approved in connection with Ordinance 25573-09-2022, Section 7. Capital Improvements, as listed on page 24:

| Capital Fund Name | Project Name | FY2023 CIP Appropriations | Budget Adjustment | Authority | Revised FY2023 Budget |
|--------------------------|---------------------|----------------------------------|--------------------------|------------------|------------------------------|
| | | | | | |

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|--|--|--------|--------------|----------|--------------|
| 2022 Bond Program Fund (34027) | BG Replace Fiberglass Greenhouse (102829) | \$0.00 | \$520,000.00 | This M&C | \$520,000.00 |
|--|--|--------|--------------|----------|--------------|

This project is included in the 2020 Tax Note Program (M&C 20-0214; Ordinance 24151-04-2020).

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).

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 – The Diversity & Inclusion Department, in conjunction with Property Management Department, agreed upon a "pilot" program to establish an Internal Department business equity goal based on the total number of job order contractors selected and listed in the rotation for opportunities to receive work under these job order contracts. Therefore, this job order has no specific business equity goal.

The Fort Worth Botanic Garden is located in COUNCIL DISTRICT 7, and the new Production Greenhouse will be located in COUNCIL DISTRICT 8 / FUTURE COUNCIL DISTRICT 8.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available in the Fort Worth Botanic Gardens programmable 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 and Tax Note 2020 Fund for the BG Replace Fiberglass Greenhouse project to support the approval of the above recommendations and execution of the contract. Prior to an expenditure being incurred, the Park & Recreation Department has the responsibility to validate the availability of funds.

Submitted for City Manager's Office by: Dana Burghdoff 8018

Originating Business Unit Head: Steve Cooke 5134

Additional Information Contact: Brian Glass 8088

Expedited