

# Mayor and Council Communication

**DATE:** 01/26/21

**M&C FILE NUMBER:** M&C 21-0077

**LOG NAME:** 20MONTGOMERY CHANGE ORDER 3 AND APPROPRIATIONS

## **SUBJECT**

(CD 7) Authorize Execution of Change Order No. 3 to the Montgomery Street/Eastern Arlington Heights Drainage Construction Manager-at-Risk Agreement with Haydon Building Corp, in an Amount up to \$227,972.63, for Additional Paving, Storm Drain, Streetlight, Traffic Signal, Landscaping, Irrigation, Water, and Sanitary Sewer Work, Thereby Increasing the Guaranteed Maximum Price to \$17,827,823.41, Provide \$50,000.00 for Contingencies and Construction Services, Adopt Appropriation Ordinance, and Amend the FY2021-2025 Capital Improvement Program (2014 Bond Program)

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## **RECOMMENDATION:**

It is recommended that the City Council:

1. Authorize Change Order No. 3 to City Secretary Contract No. 47328, the Montgomery Street/Eastern Arlington Heights Drainage Construction Manager-at-Risk Agreement with Haydon Building Corp, in an amount up to \$227,972.63, for additional paving, storm drain, streetlight, traffic signal, landscaping, irrigation, water, and sanitary sewer work, thereby increasing the Guaranteed Maximum Price to \$17,827,823.41 and the addition of 81 calendar days to the contract time (City Project Numbers 02432 and 100218);
2. Adopt the attached Appropriation Ordinance adjusting appropriations in the 2014 Bond Program Fund by increasing appropriations in the Montgomery Street – Camp Bowie (City Project No. C02432) in the amount of \$273,801.67 and decreasing appropriations in the Fund 34014 Appropriation Only project (City Project No. U34014) by the same amount; and
3. Amend the FY2021-2025 Capital Improvement Program.

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## **DISCUSSION:**

This Mayor and Council Communication authorizes Change Order No. 3, in the amount up to \$227,972.63, to the CMAR Agreement with Haydon Building Corp (Haydon) (CSC No. 47328). Change Order No. 3 provides for construction services for additional asphalt and concrete pavement, sidewalks, pavers, driveways, storm drain pipe and inlets, streetlights, traffic signals, landscaping and irrigation, and water and sanitary sewer services, with an additional 81 calendar days of contract time negotiated with the CMAR for the additional scope of work not contemplated in the original schedule. The additional work items were caused by various reasons, some of which are associated with the Dickies Arena project:

- Water and sewer services, and franchise utilities not shown in record drawings found in the field during construction;
- Schedule changes during construction required the boring of streetlight conduit;
- Traffic signal at Trail Drive was upgraded and revised to avoid conflicts with franchise utilities;
- Paving, sidewalk and paver changes were prompted by the Dickies Arena project at the Harley Street and Montgomery Street entrances to meet the project requirements;
- Landscaping and irrigation were revised to match the Arena Team's construction as well as restore businesses' which were impacted by construction;
- Inlet types were revised to avoid utilities or provide additional room for franchise utilities.

On August 25, 2015 (M&C C-27427), the City Council authorized the execution of a two-phase CMAR Agreement with Haydon for Pre-Construction Services in the amount of \$68,809.00 and for the construction of Montgomery Street from Camp Bowie Boulevard to Interstate Highway 30.

On May 16, 2017 (M&C C-28243), the City Council authorized Amendment No. 1 to the CMAR Agreement with Haydon to add the Eastern Arlington Heights Storm Drain Improvements along Bryce Avenue from Montgomery Street to Sutter Street and establish a Guaranteed Maximum Price (GMP) in the amount of \$17,092,000 for construction of the project.

On December 5, 2017 (M&C C-28489), the City Council authorized Change Order No. 1 to the Montgomery Street/Eastern Arlington Heights Drainage CMAR Agreement with Haydon in the amount of \$261,972.67 for changes to the street paving component thereby increasing the Guaranteed Maximum Price (GMP) to \$17,353,972.67.

On June 26, 2019 (M&C C-29183), the City Council authorized Change Order No. 2 to the Montgomery Street/Eastern Arlington Heights Drainage CMAR Agreement with Haydon in the amount up to \$245,878.11 for changes to the water and sanitary sewer components, thereby increasing the Guaranteed Maximum Price to \$17,599,850.78. (City Project No. 100218).

Additionally, funds in the amount of \$50,000.00 will be used to provide for contingencies and construction services.

Funding for this project was included in the FY2021-2025 Capital Improvement Program in the amount of \$15,818,450.00. Additional funding in the amount of \$273,801.67 is needed for construction services and contingency service costs. The action in this M&C will amend the FY2021-

2025 Capital Improvement Program as shown in the tables below:

Fund	Existing Funding	Additional Funding	Project Total
<b>Montgomery Street - Camp Bowie - C02432</b>			
2014 Bond Fund – 34014	\$8,324,000.00	\$277,972.63	\$8,601,972.63
Stormwater Capital Projects – 52002	\$200,000.00	\$0.00	\$200,000.00
Street Improvements Supplement – 39406	\$1,000,000.00	\$0.00	\$1,000,000.00
Street Improvements – 39409	\$94,450.00	\$0.00	\$94,450.00
2004 Bond Residuals - 39410	\$2,544,380.00	\$0.00	\$2,544,380.00
2008 Bond Residuals - 39411	\$3,405,620.00	\$0.00	\$3,405,620.00
Stormwater Capital Projects - 59651	\$250,000.00	\$0.00	\$250,000.00
<b>Project Subtotal =</b>	<b>\$15,818,450.00</b>	<b>\$277,972.63</b>	<b>\$16,096,422.63</b>

Fund	Existing Funding	Additional Funding	Project Total
<b>Montgomery Construction Support - 102355</b>			
General Capital – 30100	\$78,275.44	\$0.00	\$78,275.44
<b>Project Subtotal =</b>	<b>\$78,275.44</b>	<b>\$0.00</b>	<b>\$78,275.44</b>

Fund	Existing Funding	Additional Funding	Project Total
<b>Montgomery/E Arlington Heights - 100218</b>			
Stormwater Capital Projects – 52002	\$92,180.69	\$0.00	\$92,180.69
Water and Sewer Capital Projects – 56002	\$1,930,879.00	\$0.00	\$1,930,879.00
Stormwater Capital Projects – Bonds - 59651	\$2,829,883.00	\$0.00	\$2,829,883.00

Stormwater Capital Project Legacy – 59652	\$1,991,666.31	\$0.00	\$1,991,666.31
<b>Project Subtotal =</b>	<b>\$6,844,609.00</b>	<b>\$0.00</b>	<b>\$6,844,609.00</b>
<b>Grand Total =</b>	<b>\$22,741,334.44</b>	<b>\$277,972.63</b>	<b>\$23,019,307.07</b>

M/WBE Office: Haydon Building Corp agrees to maintain its initial MBE commitment of 12 percent that it made on the original contract and extend and maintain that same MBE commitment of 12 percent to all prior change orders up to and inclusive of this Change Order No. 3. Therefore Haydon Building Corp remains in compliance with the City's BDE Ordinance and attests to its commitment by its signature on the Acceptance of Previous MBE Commitment form executed by an authorized representative of its company.

The Montgomery Street project is located in COUNCIL DISTRICT 7.

**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds are available in the current capital budget of the Montgomery Street-Camp Bowie project, as appropriated, in the 2014 Bond Fund. Prior to an expenditure being incurred, the Transportation & Public Works Department has the responsibility of verifying the availability of funds.

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