

# Mayor and Council Communication

**DATE:** 08/27/24

**M&C FILE NUMBER:** M&C 24-0746

**LOG NAME:** 2024 E. 4TH ST. AT E. 1ST ST. CHANGE ORDER 1

**SUBJECT**

(CD 8 and CD 11) Authorize Execution of Change Order No. 1 in the Amount of \$135,439.32 to a Contract with The Fain Group, Inc. for the Construction of the East 4<sup>th</sup> Street and East 1<sup>st</sup> Street Federally Funded On-Street Bike Lane Project

**RECOMMENDATION:**

It is recommended that the City Council authorize execution of Change Order No. 1 to City Secretary Contract No. 60593 with The Fain Group, Inc., increasing the contract amount by \$135,439.32 for the construction of the East 4<sup>th</sup> Street and East 1<sup>st</sup> Street Federally Funded On-Street Bike Lane Project (City Project No. 102601); thereby increasing the total contract amount to \$3,051,461.02.

**DISCUSSION:**

On Tuesday, October 31, 2023, by Mayor and Council Communication (M&C 23-0945), the City Council authorized a contract with The Fain Group, Inc. in the amount of \$2,916,021.70 for the construction of East 4<sup>th</sup> Street and East 1<sup>st</sup> Street Federally Funded On-Street Bike Lane project (City Project No. 102601). This M&C will authorize the execution of Change Order No. 1.

This change order 1 includes adding safety end treatment at the proposed Concrete Traffic Barrier (CTB), replacing deteriorated concrete pavement, and adding the traffic signal pedestrian pole required to avoid the traffic signal pole conflict with underground utility, additional conduit, and conductor.

The East 4th Street-East 1st Street project provides the construction of new separated bicycle lanes, protected intersections, traffic signal modification, pavement marking, and signage along the project corridor to ensure safe and comfortable user experiences for all modes of transportation, whether by foot, bicycle, or motorized vehicle.

The following table summarizes previous contract actions and change orders:

Construction Contract	Amount	Justification	M&C No.	Date
Original Contract	\$2,916,021.70	Initial contract for original scope of work	23-0945	10/31/2023
Change Order No. 1	\$135,439.32	Increased scope of work	This M&C	8/27/2024
Revised Contract Amount	\$3,051,461.02			

The project received \$2,332,000.00 in Federal Funds from Advanced Funding Agreements (AFA) with the Texas Department of Transportation (TxDOT) (M&C 21-0715, City Secretary Contract numbers 56524 and 56766).

No additional funding is needed for Change Order No. 1. The table below summarizes past appropriations, sources, and the estimated total cost of the project at completion:

Fund	Existing Funding	Additional Funding	Project Total
34014 - 2014 Bond Program Fund	\$23,200.00	\$0.00	\$23,200.00
34018 - 2018 Bond Program Fund	\$1,021,800.00	\$0.00	\$1,021,800.00
34027 - 2022 Bond Program Fund	\$900,000.00	\$0.00	\$900,000.00
31001 - Grants Capital Project Federal	\$2,332,000.00	\$0.00	\$2,332,000.00

<b>31003 - Grants Capital</b>	\$466,400.00	\$0.00	\$466,400.00
<b>Project Other</b>			
<b>Project Total</b>	\$4,743,400.00	\$0.00	\$4,743,400.00

Funding for this project was included in the Fiscal Years (FY) 2024-2028 Capital Improvement Program in the Amount of \$4,743,400.00.

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 the 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 budgeted in the 2022 Bond Program Fund for the TPW Dept Highway & Streets Department for the purpose of funding the E 4th St & E 1st St Improvement project.

The Texas Department of Transportation placed a 6% Disadvantaged Business Enterprise goal on this solicitation/contract. The Fain Group will be exceeding the goal at 6.23%. Any changes in subcontractors will be reviewed by the Texas Department of Transportation.

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

**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are available in the current capital budget, as previously appropriated, in the 2022 Bond Program Fund for the E 4th St & E 1st St Improvement project to support the above recommendation and execution of the change order. Prior to any expenditure being incurred, the Transportation & Public Works Department is responsible for validating the availability of funds.

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