

Mayor and Council Communication

DATE: 02/14/23

M&C FILE NUMBER: M&C 23-0133

LOG NAME: 80NORTHWEST COMMUNITY PARK NORTH RD IMPROVEMENT AMENDMENT NO.1

SUBJECT

(CD 7 / Future CD 7 and CD 10) Authorize Execution of Amendment No.1 to City Secretary Contract No. 56226, a Construction Manager at Risk Agreement with The Fain Group, Inc., in the Amount of \$505,287.10 for the Northwest Community Park North Road Improvement Project, for a Revised Total Contract Cost of \$2,305,287.10

RECOMMENDATION:

It is recommended that the City Council authorize execution of Amendment No.1 to City Secretary Contract No. 56226, a Construction Manager at Risk Agreement with The Fain Group, Inc., in the amount of \$505,287.10 for the Northwest Community Park North Road Improvement project (City Project No. 102749), for a revised total contract cost of \$2,305,287.10.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to authorize execution of Amendment No.1 to the Construction Manager at Risk (CMAR) agreement with The Fain Group, Inc., for the Park & Recreation Department's (PARD) Northwest Community Park North Road project, in the amount of \$505,287.10, for a revised total contract amount of \$2,305,287.10.

On March 23, 2021, the City Council authorized a CMAR agreement with The Fain Group, Inc., with a Pre-construction Phase Services Fee in the amount of \$25,000.00 and a Construction Phase Services Fee of four (4%) percent of the Guaranteed Maximum Price (GMP) within a project construction budget of \$1,800,000.00. (M&C 21-0221, City Secretary Contract No. 56226).

Amendment No.1 is necessary to address higher than anticipated construction costs based on final engineering plans and the inclusion of site lighting. The project scope includes a 26-foot wide bridge, site lighting and an asphalt road connection between the parking lots, bridge and ballfields. Funding for Amendment No. 1 in the amount of \$505,287.10 is derived from Park Dedication Fees which were appropriated as part of the City's Fiscal Years (FY) 2023 -2027 Capital Improvement Program within the PARD New Enhancements programmable project (City Project No. P00132).

Funding is budgeted in the Park & Recreation Departments PARD Dedication Fees Fund for the purpose of funding the Northwest Park North Road project, as appropriated.

Schedule – Construction services for Northwest Community Park North Road improvements project will begin Winter 2023. Amendment No.1 will extend the completion time of the entire project to Winter 2024.

The Northwest Community Park North Road project is estimated to increase the department's annual maintenance cost by \$5,912.00 beginning in FY2025. As of December 31, 2022, the cumulative total of all previously approved M&Cs increased the department's estimated annual maintenance cost is \$1,202,895.00 beginning in FY2024.

Business Equity Goal – The Fain Group, Inc. agrees to maintain its initial M/WBE commitment of 11% that it made on the original contract and extend and maintain that same M/WBE commitment of 11% to this first change order. Therefore, The Fain Group, Inc. remains in compliance with the City's M/WBE Ordinance and attests to its commitment by its signature on the Acceptance of Previous M/WBE Commitment form executed by an authorized representative of its company.

The Northwest Community Park North Road project is located in COUNCIL DISTRICT 7 (FUTURE COUNCIL DISTRICTS 7 AND 10).

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the current capital budget, as previously appropriated, in the PARD Dedication Fees Fund for the Northwest Park North Road project to support the approval of the above recommendation and execution of the amendment to the agreement. Prior to an expenditure being incurred, the Park & Recreation Department has the responsibility of verifying the availability of funds.

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