

# Mayor and Council Communication

**DATE:** 11/14/23

**M&C FILE NUMBER:** M&C 23-0987

**LOG NAME:** 20UNIV DR CO2 TEXAS BIT

**SUBJECT**

(CD 3 and CD 9) Authorize Execution of Change Order No. 2 in the Amount of \$122,532.96 to a Contract with Texas Materials Group Inc., dba Texas Bit for the University Drive Corridor Project for a Revised Contract Amount of \$3,625,879.12

**RECOMMENDATION:**

It is recommended that the City Council authorize execution of Change Order No. 2 in the amount of \$122,532.96 to City Secretary Contract Number 58122 with Texas Materials Group Inc., dba Texas Bit for the University Drive Corridor project for a revised contract amount of \$3,625,879.12 (City Project No. 101588).

**DISCUSSION:**

On August 23, 2022, Mayor and Council Communication (M&C) 22-0637 authorized a contract with Texas Materials Group Inc., dba Texas Bit (City Secretary Contract Number 58122), in the amount of \$3,406,056.86 for the University Drive Corridor project.

Change Order No. 1 was executed administratively for \$97,289.30 and allowed for material cost increases, water vault reconstruction, tree removal, utility relocation and other items. This Change Order No. 2 includes various items needed due to differing site conditions such as additional conduit to reach a new location of electrical service, replacement of streetlight drilled foundations with spread footings due to depth constraints, increased depth of median concrete pavement to be removed from six (per construction plans) to nine inches (actual), and an irrigation allowance to repair/restore irrigation impacts near signal and street light foundations.

The following table summarizes contract actions for City Secretary Contract Number 58122:

Action	Amount	Justification	Date
Initial contract execution (M&C 22-0637)	\$3,406,056.86	Original Construction Contract	8/23/2022
Change Order No. 1 (Administratively Approved)	\$97,289.30	Change order for material cost increases due to City-requested delay start, water vault reconstruction, tree removal, additional utility location, traffic items, overhead conductor for LP-10, cable and conduit for relocating signal cabinet at Collinsworth	7/7/2023
Change Order No. 2	\$122,532.96	Change order for signal and lighting electrical items, spread footings for streetlights, increased concrete pavement removal depth and irrigation allowance	Pending
<b>Contract Total</b>	<b>\$3,625,879.12</b>		

The funding for the project is summarized in the table below:

Fund	Existing Appropriations	Additional Appropriations	Project Total

<b>Fund</b>	<b>Existing Appropriations</b>	<b>Additional Appropriations</b>	<b>Project Total</b>
34018 - 2018 Bond Program Fund	\$5,300,000.00	\$0.00	\$5,300,000.00
56002 - Water & Sewer Capital Project Fund	\$429,049.00	\$0.00	\$429,049.00
<b>Project Total</b>	<b>\$5,729,049.00</b>	<b>\$0.00</b>	<b>\$5,729,049.00</b>

This change order will be funded within the existing project budget funds and no additional appropriations are required. Funding is budgeted in the 2018 Bond Program Fund for the purpose of funding the University Drive Corridor project as appropriated.

M/WBE OFFICE - Texas Materials Group Inc., dba Texas Bit agrees to maintain its initial M/WBE commitment of 14% that it made on the original contract and extend and maintain that same M/WBE commitment of 14% to all prior change orders up to and inclusive of this Change Order No. 2. Therefore Texas Materials Group Inc., dba Texas Bit 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 project is located in COUNCIL DISTRICTS 3 and 9.

A Form 1295 is not required because: This contract will be with a publicly-traded business entity or a wholly-owned subsidiary of a publicly-traded business entity: Texas Materials Group, Inc. dba Texas Bit

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are available in the current capital budget, as previously appropriated in the 2018 Bond Program Fund for the University Drive Corridor project to support the approval of the above recommendation and execution of the change order. Prior to any expenditure being incurred, the Transportation and Public Works Department has the responsibility to validate the availability of funds.

**Submitted for City Manager's Office by:** William Johnson 5806

**Originating Business Unit Head:** Lauren Prieur 6035

**Additional Information Contact:** Monty Hall 8662