

Mayor and Council Communication

DATE: 09/26/23

M&C FILE NUMBER: M&C 23-0837

LOG NAME: 80BRIT INFRASTRUCTURE CONSTRUCTION AGREEMENT

SUBJECT

(CD 7) Authorize Execution of an Infrastructure Construction Agreement with the Botanical Research Institute of Texas, Inc. in an Amount Not to Exceed \$6,338,500.00 for the Construction of Certain Capital Improvement Projects at the Fort Worth Botanic Garden (2022 Bond Program)

RECOMMENDATION:

It is recommended that the City Council authorize execution of an Infrastructure Construction Agreement with the Botanical Research Institute of Texas, Inc. in an amount not to exceed \$6,338,500.00 for the construction of certain capital improvement projects at the Fort Worth Botanic Garden.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to authorize the City Manager to execute an Infrastructure Construction Agreement (ICA) with the Botanical Research Institute of Texas, Inc. (BRIT) to fulfill the City's initial obligation to construct, maintain, repair or relocate certain public infrastructure within the Fort Worth Botanic Garden (Botanic Garden) pursuant to the Management Services Agreement (MSA) with BRIT (City Secretary Contract No. 54201) (M&C 20-0347, May 19, 2020), collectively defined as "Capital Improvements".

The MSA with BRIT each contains a list of identified capital improvements and deferred facility maintenance projects or other capital expenditures.

Due to the BRIT's management presence on-site, it was determined that the most efficient way to accomplish the City's obligation is to provide funding to BRIT through an ICA so that BRIT can obtain its own contractors and oversee the work.

On May 7, 2022, the City of Fort Worth residents approved the 2022 Bond Program, of which \$7,000,000.00 is designated to fund several capital improvements at the Botanic Garden that were not included in the 2020 Tax Notes project list.

The 2022 Bond program included \$7,000,000.00 for Fort Worth Botanic Garden Infrastructure Improvements, which consist of \$6,338,500.00 in work to be performed by BRIT under an ICA with Park and Recreation Department (PAR) (estimated project draw-down schedule and amounts attached) and \$661,500.00 in improvements to be done by the Property Management Department (PMD) (see tables below). Of the voter-authorized \$7,000,000.00, only \$3,000,000.00 has been appropriated to date for both PAR and Property Management projects (as part of the Commercial Paper program; see M&C 23-0611).

Approval of this M&C provides the contracting authorization for the full \$6,338,500.00 for the PAR ICA, but the agreement will include language making clear that the City's legal obligation is limited to the funds that have actually been appropriated. In the unlikely event that the remaining funds were not appropriated, the City would be able to terminate the agreement without any penalty.

The remaining \$4,000,000.00 for the Botanic Garden bond projects will be included in the PAR recommended 2022 Bond appropriations in Spring of 2024, 2025, and 2026, in conjunction with the FWLab and Financial Management Services Department. As additional funds are appropriated for the BRIT projects, they would be obligated and available under the ICA.

With this ICA, PAR will schedule reimbursements with the BRIT for an amount up to \$6,338,500.00 from the 2022 Bond Funds, which includes funding for the design and construction of seven (7) capital improvements required to support the operation and maintenance of the Botanic Garden.

Botanic Garden Capital Improvements Project List for Park and Recreation Department and Property Management Department:

The Park and Recreation Department project list is as follows:

CPN	Project	2022 Bond
104986	Master Plan Site Preparation	\$ 300,000.00
104987	Master Planning	\$ 150,000.00
102820	South Vista Event Venue	\$ 506,000.00
104988	Japanese Garden	\$ 979,000.00
104989	Infrastructure	\$ 1,024,000.00
104991	Pedestrian/Circulation Improvements	\$ 1,091,000.00
104992	Greenhouse Improvements	\$ 2,288,500.00

