

Mayor and Council Communication

DATE: 06/11/24

M&C FILE NUMBER: M&C 24-0485

LOG NAME: 20SWM COMANCHE TRAIL HROM CO 3

SUBJECT

(CD 7) Authorize Execution of Change Order No. 3 in the Amount of \$73,535.70 to a Contract with Klutz Construction, LLC for the Construction of the Comanche Trail Hazardous Road Overtopping Mitigation Project, Adopt an Appropriation Ordinance and Amend the Fiscal Years 2024 – 2028 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize execution of Change Order No. 3 to City Secretary Contract No. 58111 with Klutz Construction, LLC, increasing the contract amount by \$73,535.70 for the construction of the Comanche Trail Hazardous Road Overtopping Project (City Project No. 103396), thereby increasing the total contract amount to \$2,055,916.45;
2. Adopt the attached appropriation ordinance adjusting estimated receipts and appropriations in the Stormwater Revenue Bonds 2020 Fund by increasing estimated receipts and appropriations in the Comanche Trail HROM project (City Project No. 103396), in the amount of \$88,000.00 and decreasing estimated receipts and appropriations in SW Hazardous Road Overtopping Project (City Project No. P00120) by the same amount; and
3. Amend the Fiscal Years 2024-2028 Capital Improvement Program.

DISCUSSION:

On Tuesday, August 23, 2022, by Mayor and Council Communication (M&C 22-0634), the City Council authorized a contract with Klutz Contractors, LLC in the amount of \$1,894,090.00 for the construction of the Comanche Trail Hazardous Roadway Overtopping Mitigation (HROM) project (City Project No. 103396). The project will better protect drivers from flood waters overtopping Comanche Trail Road between Malaga Drive and Marina Drive. This M&C will authorize the execution of Change Order No. 3, appropriate funding for Change Order No. 3 and amend the 2024-2028 Capital Improvement Plan.

The following table summarizes previous contract action and change orders:

Construction Contract	Date	Amount
Original Contract (M&C 22-0634)	8/23/2022	\$1,894,090.00
Change Order No. 1	11/07/2022	\$44,500.00
Change Order No. 2	01/18/2024	\$43,790.75
Change Order No. 3	Pending	\$73,535.70
Revised Contract Amount		\$2,055,916.45

Previous change orders 1 and 2 were provided to modify the water and sewer alignments to stay within easements, and to demolish and reconstruct bridge footings. This change order includes a revision to the type of traffic rail to be used from the type of traffic rail included in the bid, includes additions to the length of traffic rail to be used, and includes additional pavement markings and quantity reconciliations. The additional funds also provide for additional project management and inspection time due to the extended construction duration needed for demolition and reconstruction of culvert footings, which was done due to deficiencies in the footing materials and construction documentation.

Appropriations for this project are shown below:

Fund	Project Appropriations	Additional Funding	Project Total

52002 - Stormwater Capital Projects (103396)	\$2,200,000.00	\$0.00	\$2,200,000.00
52007 - Stormwater Rev Bonds 2020 (103396)	\$717,165.00	\$88,000.00	\$805,165.00
Table Total	\$2,917,165.00	\$88,000.00	\$3,005,165.00

Funding is budgeted in the Stormwater Rev Bonds 2020 Fund for the TPW Dept Highway & Streets Department for the purpose of funding the Comanche Trail HROM.

Business Equity: Klutz Contractors, LLC agrees to maintain its initial M/WBE commitment of 16% that it made on the original contract and extend and maintain that same M/WBE commitment of 16% to all prior change orders up to and inclusive of this Change Order No. 3. Therefore Klutz Contractors, LLC 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.

This project is located in COUNCIL DISTRICT 7.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available in the SW Hazardous Rd Overtopping project within the Stormwater Rev Bonds 2020 Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in the Stormwater Rev Bonds 2020 Fund for the Comanche Trail HROM project to support the above recommendations and execution of the agreement. Prior to an expenditure being incurred, the Transportation & Public Works has the responsibility of verifying the availability of funds.

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