

Mayor and Council Communication

DATE: 10/15/24

M&C FILE NUMBER: M&C 24-0901

LOG NAME: 21FIRE STATION 16 CMAR

SUBJECT

(CD 3) Authorize Execution of a Construction Manager at Risk Contract with Batson-Cook Company with a Construction Phase Fee of 3.5%; Accept the Guaranteed Maximum Price of \$9,375,500.00 for the Construction of a New Fire Station 16 within a Project Budget of \$14,113,534.00, Adopt Appropriation Ordinances and Amend the Fiscal Year 2024 Adopted Budget and Fiscal Years 2024 – 2028 Capital Improvement Program (2022 Bond Program)

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize execution of a Construction Manager at Risk contract with Batson-Cook Company with a Construction Phase Fee of 3.5% incorporated within Guaranteed Maximum Price not to exceed \$9,375,500.00 for construction of new Fire Station 16;
 2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the General Fund for the Property Management Department in the amount of \$3,663,534.00, from available fund balance, for the purpose of transferring to the General Capital Projects Fund;
 3. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the General Capital Projects Fund in the amount of \$3,663,534.00, transferred from the General Fund, for the purpose of funding the Fire Station 16 project (City Project No.104185); and
 4. Amend the Fiscal Year 2024 Adopted Budget and Fiscal Years 2024 – 2028 Capital Improvement Program.
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DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to authorize execution of a Construction Manager at Risk (CMAR) contract with Batson-Cook Company for construction services and to allocate and appropriate additional funding for the new Fire Station 16.

Batson-Cook Company has performed preconstruction phase services for a fee of \$25,000 (CSC 60977) and has proposed to perform construction phase services for a fee of 3.5%, which fee is incorporated into the project's guaranteed maximum price (GMP) in the amount of \$9,375,500.00. Staff finds the proposed fee fair and reasonable. The GMP includes the Base Proposal (\$8,579,792.00), Owner's construction contingency allowance (\$627,191.00) and Alternate One (\$168,517.00). The total anticipated project cost is \$14,113,534.00, which includes the CMAR's pre-construction phase services, other design costs, Owner's project contingency, materials testing and special inspections and land acquisition.

The 2022 Bond Program allocated \$10,450,000.00 for the design and construction of the new Fire Station 16. This project was delayed due to two changes in location due to unfavorable site conditions. On June 2, 2023, M&C 23-0573 approved the purchase of 5701, 5709, 5717, 5719 and 5721 Lovell Avenue for use for Fire Station 16. Once the location was known the Property Management Department moved forward with the single-story design proto-type for this site.

Design of the project was performed by Komatsu-Rangel, Inc. d/b/a Komatsu Architecture (CSC 60001, M&C 23-0642).

Construction documents were completed and submitted for advertisement in the *Fort Worth Star-Telegram* on November 9, and November 16, 2023. On December 14, 2023, the City received ten proposals from:

- Batson-Cook Company
- Byrne
- EMJ
- LMC/McGough
- Prim
- Ridgemont
- RJM
- Russell
- SDB
- Steele & Freeman, Inc.

The proposals were evaluated by members of the selection team comprised of representatives of the Fire Department, Property Management Department, and Office of Business Diversity. The selection team reviewed the proposals against the published criteria, including cost of services, references and CMAR experience, similar project types and MBE commitment and plan. The top four firms were selected for interviews.

The following is the rankings resulting from the interviewed firms:

SCORING MATRIX TABLE:

Contractor Evaluation	Proposed Fees	References & Experience	Past Work in the City	Total Score	MWBE Office Review
Batson Cook	48	38	10	96	RESPONSIVE
Ridgemont	49	33	10	92	RESPONSIVE
RJM	50	30	10	90	RESPONSIVE
Steel & Freeman	47	36	10	93	RESPONSIVE

Based on the interviews, scores and discussions the selection team reached a consensus on Batson-Cook Company as the most qualified firm to perform CMAR services for this project. On February 20, 2024, staff administratively authorized the Pre-Construction Services Contract with Batson-Cook Company in the amount of \$25,000.00.

The overall project costs are expected to be as described in the table below:

PROJECT BUDGET	TOTAL
Land	\$2,256,543.00
Architectural & Engineering Contract	\$523,071.00
Pre-Construction Services, Construction Contract, including Owner's Construction Allowance	\$9,400,500.00
Project Administration Cost: Project Management, Bid Advertisement, IT, Security, Materials Testing, Contingency, FFE, etc.	\$1,933,420.00
PROJECT TOTAL	\$14,113,534.00

Use of Assigned Fund Balance

As part of the Fiscal Year 2023 year-end process, the City Council approved assigning \$54,340,467.00 from Fiscal Year 2023 fund balance for future capital projects via Mayor and Council (M&C) 24-0001. This assigned amount is in excess of reserve requirements in the General Fund and was derived from \$15,959,527.00 from the sale of central library proceeds, \$30,380,940.00 set aside for capital project shortfalls.

This M&C is to utilize \$3,663,534.00 from that assigned fund balance in the General Fund. Upon approval of this M&C, approximately \$42,227,675.00 will remain for future appropriation by Mayor and Council.

Approval of this M&C will reduce the assigned General Fund Balance as follows:

General Fund	Original Amount	M&C 24-0457	M&C 24-0567	This M&C	Remaining Balance
10100- Fund Balance Set Aside for Capital Shortfalls	\$38,380,940.00	(\$6,449,258.00)	(\$2,000,000.00)	(\$3,663,534.00)	\$26,268,148.00

10100-Fund Balance from Sale of Central Library Proceeds	\$15,959,527.00				\$15,959,527.00
Total Fund Balance for Capital					\$42,227,675.00

Funding for this project was not included in the Fiscal Year (FY) 2024-2028 Capital Improvement Program (CIP) due to this project being delayed due to changes in location due to unfavorable site conditions. The action in this M&C will amend the FY2024-2028 CIP as approved in connection with Ordinance 26453-09-2023.

Capital Fund Name	Project Name	FY2024 Appropriations	Authority	Budget Change (Increase/Decrease)	Revised FY2024 Budget
General Capital Projects Fund	Fire Station 16 (104185)	\$0.00	This M&C	\$3,663,534.00	\$3,663,534.00
2022 Bond Program Fund	Fire Station 16 (104185)	\$4,306,850.00	M&C 24-0438	\$6,143,150.00	\$10,450,000.00
Budget Total		\$4,306,850.00		\$9,806,684.00	\$14,113,534.00

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 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).

Building Operating and Maintenance – There are several operating and maintenance costs associated with the new facility. Property Management Department anticipates the annual operating impact for maintenance associated with this project, beginning in the fourth quarter of Fiscal Year 2026, to be \$220,000.00 annually.

Waiver of Building Permit Fees - In accordance with the City Code of Ordinances, Part II, Chapter 7-1 Fort Worth Building Administrative Code, Section 109.2.1, Exception 2; "Work by non-City personnel on property under the control of the City of Fort Worth shall be exempt from the permit fees only if the work is for action under a contract that will be or has been approved by City Council with notes in the contract packages stating the fee is waived." IRPC Plan Review Fees and other associated Development Fees will also be waived for this project.

Diversity and Inclusion Business Equity Office - The City's Business Equity goal on this CMAR project is 25%. Batson-Cook Construction, has agreed/committed to utilize 25.25% business equity subcontractor participation for the scope of work, meeting the City's Business Equity Ordinance. Any changes in subcontractors will be reviewed by the Business Equity Division.

The new Fire Station 16 is to be located in Council District 3.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the 2022 Bond Program Fund and the General Fund and upon approval of the above recommendations and adoption of the appropriation ordinances, funds will be available in the General Capital Projects Fund and 2022 Bond Program Fund for the Fire Station 16 project to support the above recommendations and execution of the contract. Prior to any expenditures being incurred, the Fire Department has the responsibility to validate the availability of funds.

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Additional Information Contact:

Expedited