

City of Fort Worth, Texas

Mayor and Council Communication

DATE: 04/22/25M&C FILE NUMBER: M&C 25-0325

LOG NAME: 60THE FOUNDRY WATER IMPROVEMENTS

SUBJECT

(CD 9) Authorize Execution of First Amendment and Change Order No. 3 to a Community Facilities Agreement with AP FW Foundry, LP, Increasing City Participation by \$97,637.97 for CFA- The Foundry Mixed Use Project and Adopt Appropriation Ordinance to Effect a Portion of Water's Contribution to the Fiscal Years 2025-2029 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize the execution of the First Amendment and Change Order No. 3 to City Secretary Contract Number 62103, a Community Facilities Agreement with AP FW Foundry, LP, increasing City participation by \$97,637.97, for CFA-The Foundry Mixed Use project (City Project No. 105439) and
2. Adopt the attached appropriation ordinance adjusting appropriations in the Water & Sewer Revenue Bonds Series 2022 Fund by increasing appropriations in the CFA Bucket programmable project (City Project No. P00001) in the amount of \$196,262.00 and decreasing appropriations in the Unspecified All-Funds project (City Project No. UNSPEC) by the same amount for the purpose of funding CFA- The Foundry Mixed Use project (City Project No. 105439) and to effect a portion of Water's contributions to the Fiscal Years 2025-2029 Capital Improvement Program.

DISCUSSION:

On October 10, 2024, the City executed a Community Facilities Agreement with AP FW Foundry, LP, with City participation in an amount up to \$98,623.28, for an 8-inch cast iron water line replacement to serve The Foundry Mixed Use Development and anticipated future growth in west Fort Worth. The Community Facilities Agreement did not require City Council approval as the City participation did not exceed \$100,000.00.

After execution of the Community Facilities Agreement, the Developer elected to use a different contractor for the project. The purpose of this M&C is to amend the Community Facilities Agreement by increasing City participation in an amount up to \$58,336.37 as unit prices were adjusted to match the awarded contractor's bid tab. Estimates were originally created for the project based on a previously selected contractor using the Opinion of Probable Construction Cost, however, the developer selected a new contractor before the Community Facilities Agreement was executed and bidding costs were renegotiated, which resulted in a necessary increase of funds exceeding \$100,000.00 in City participation.

Change Order No. 3 will increase the City participation in an amount up to \$39,301.60 for removal and replacement of water services and associated pavement repair from the new line to the existing meter that the City has requested the developer perform. The City will participate in the agreed amounts and the developer will be responsible for all remaining costs.

Change Order Numbers 1 through 2 were administratively approved and did not increase City participation.

In accordance with Chapter 212, Subchapter C of the Texas Local Government Code, the City's participation in the contract is exempt from competitive bidding requirements because the City's participation in the contract does not exceed 30% of the total contract cost, the Developer will execute a performance bond to cover the total project cost, including all of the City's cost participation, and the City's cost participation will be determined in accordance with the City's unit price ordinance.

The anticipated cost for the Foundry Mixed Use project after contract amendment and execution of Change Order Number 3 is as depicted in the table below:

A. Construction	Developer Cost	City Cost	Total Cost
1. Water	\$308,949.61	\$196,261.25	\$505,210.86
2. Sewer	\$54,039.45	\$0.00	\$54,039.45
3. Storm	\$7,425.00	\$0.00	\$7,425.00
4. Paving	\$117,190.00	\$0.00	\$117,190.00

Construction Fees:			
B. Construction Inspection Fee	\$22,500.00	\$0.00	\$22,500.00
C. Admin Material Testing Fee	\$1,225.00	\$0.00	\$1,225.00
E. Water Testing Lab Fee	\$240.00	\$0.00	\$240.00
Total Project Cost	\$511,569.06	\$196,261.25	\$707,830.31

It is the practice of the Water Department to appropriate its CIP plan throughout the Fiscal Year, instead of within the annual budget ordinance, as projects commence, additional funding needs are identified, and to comply with bond covenants. The actions in the Mayor & Council Communication will amend the City of Fort Worth's Fiscal Years 2025-2029 Capital Improvement Program, as follows:

Capital Fund Name	Project Name	FY2025 CIP Appropriations	Authority	Budget Change (Increase / Decrease)	Revised FY2025 Budget
56020 - W&S Rev Bonds Series 2022	The Foundry Mixed Use	\$0.00	This M&C	\$196,262.00	\$196,262.00

Funding will be budgeted in the Unspecified All-Funds project within the W&S Rev Bonds Series 2022 Fund for the purpose of funding The Foundry Mixed Use project.

Funding for The Foundry Mixed Use project is depicted below:

Fund	Existing Appropriations	Additional Appropriations	Project Total
30111 - Gvt Community Facilities Agmt	\$14,000.00	\$0.00	\$14,000.00
30114 - CFA Developer	\$31,725.00	\$0.00	\$31,725.00
56020 - W&S Rev Bonds Series 2022	\$0.00	\$196,262.00	\$196,262.00
Total	\$45,725.00	\$196,262.00	\$241,987.00

BUSINESS EQUITY- A goal is not required under Business Equity Ordinance 25165-10-2021 when City spending participation on Community Facilities Agreements is less than \$1,000,000.00 dollars.

The project is located in COUNCIL DISTRICT 9.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the Unspecified All-Funds Project within the W&S Rev Bonds Series 2022 Fund for CFA-The Foundry Mixed Use project to support the approval of the above recommendation and execution of the change order. Prior to any

Expedited