

# Mayor and Council Communication

DATE: 08/27/24

M&C FILE NUMBER: M&C 24-0752

LOG NAME: 80\_NORTHWEST CC (CHANGE ORDER NO. 2)

**SUBJECT**

(CD 7) Authorize Execution of Change Order No. 2 to the Construction Manager-at-Risk Contract with Byrne Construction Services, LLC, in the Amount of \$830,072.86, and Authorize Additional Construction Contingency Funding in the Amount of \$300,000.00, to Increase the Guaranteed Maximum Price Amount to \$16,230,805.86, for the Northwest Community Center Project and the Northwest Community Center South Drive Project, and Amend the Fiscal Years 2024-2028 Capital Improvement Program

**RECOMMENDATION:**

1. It is recommended that the City Council authorize execution of Change Order No. 2 to the Construction Manager-at-Risk contract with Byrne Construction Services, LLC, (City Secretary Contract No. 59255), in an amount of \$830,072.86, and authorize additional construction contingency funding in the amount of \$300,000.00, to increase the guaranteed maximum price amount to \$16,230,805.86, for the Northwest Community Center project (City Project No. 101650), the Northwest Community Center South Drive project (City Project No. 102759) and the NW CC and NWCC South Dr project (City Project No. 105617); and
2. Amend the Fiscal Years 2024-2028 Capital Improvement Program.

**DISCUSSION:**

The purpose of this Mayor and Council Communication (M&C) is to authorize the execution of Change Order No. 2 to the Construction Manager-at-Risk (CMAR) contract with Byrne Construction Services, LLC, in an amount of \$830,072.86 and authorize additional construction contingency funding in the amount of \$300,000.00, to increase the guaranteed maximum price to \$16,230,805.86 within the revised project budget of \$18,525,072.86 for the Northwest Community Center and the Northwest Community Center South Drive projects.

On November 29, 2022 (M&C 22-0973), a CMAR contract with Byrne Construction Services, LLC (City Secretary Contract No. 59255), in the amount of \$12,905,086.00, was authorized for the construction of the new Northwest Community Center.

On September 12, 2023, the City Council authorized Change Order No.1 (M&C 23-0770) in the amount of \$2,195,647.00, adding a domestic water and fire line looped system, connecting the southern subdivision and Blue Mound Road.

The Change Order No. 2 scope includes extending the south road to the existing paved parking lot, additional security lighting, installation of a lift station for the sanitary sewer, and providing additional construction contingency funding. Costs are described in the table below:

CHANGE ORDER NO. 2 COMPONENTS	TOTAL
South Drive Extension with Security Lighting	\$ 633,365.00
Sanitary Sewer (Lift Station)	\$ 196,707.86
Construction Contingency	\$ 300,000.00
<b>CHANGE ORDER TOTAL</b>	<b>\$ 1,130,072.86</b>

The overall project costs increase as described in the table below:

PROJECT BUDGET	TOTAL
Architectural Design Fees	\$ 1,165,277.00
CMAR Construction Cost (Including Owner's Construction Allowance)	\$ 12,905,086.00
Change Order No. 1	\$ 2,195,647.00
Change Order No. 2	\$ 1,130,072.86
Project Administration Cost (Site Utilities, IT, Security, Project Management, Contingency, FFE, Kitchen Equipment, Etc.)	\$ 1,128,990.00
<b>PROJECT TOTAL</b>	<b>\$ 18,525,072.86</b>

The additional funding for these projects were not included in the (FY) 2024-2028 Capital Improvement Program due to the addition of a lift station and construction contingencies. The action in this M&C will amend the FY2024-2028 Capital Improvement Program as approved in connection with Ordinance 26453-09-2023.

Funding for this project was included in the (FY) 2022 Capital Improvement Program as approved in connection with Ordinance No. 25073-09-2021 and the FY2023 Capital Improvement Program as approved in connection with Ordinance 25773-09-2022 for the PARD Dedication Fees Fund, Engineering/Infrastructure Fees. Movement of actual revenues into PARD New Enhancements programmable project (P00132) authorized in previous ordinances above will be recorded by Financial Management Services upon approval of this M&C.

Funding is budgeted in 2018 Bond Program Fund for the Northwest Community Center project, in the PARD Gas Lease Capital Project Fund for the Northwest CC South Drive project and in the PARD Dedication Fees Fund for the NW CC and NW CC South Dr project, as appropriated.

**Waiver of Building Permits** - 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."

**Business Equity** – Byrne Construction Services, LLC, agrees to maintain its initial M/WBE commitment of 20% that it made on the original contract and extend and maintain that same M/WBE commitment of 20% to all prior change orders up to and inclusive of this Change Order No. 2. Therefore Byrne Construction Services, 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.

The new Northwest Community Center is located in COUNCIL DISTRICT 7.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are available in the current capital budgets, as previously appropriated, in the 2018 Bond Program, PARD Gas Lease Capital Project and the PARD Dedication Fees Funds for the Northwest Community Center, Northwest CC South Drive and the NW CC and NW CC South Dr projects to support the approval of the above recommendation and execution of the change order to the contract. Prior to any expenditure being incurred, the Park & Recreation Department has the responsibility to validate the availability of funds.

**Submitted for City Manager's Office by:**    Jessica L. McEachern    5804

**Originating Business Unit Head:**                Richard Zavala                5704

**Additional Information Contact:**                Joel McElhany                5745

Expedited