

Mayor and Council Communication

DATE: 03/10/26

M&C FILE NUMBER: M&C 26-0203

LOG NAME: 20CROMWELL MARINE CREEK ROAD CMAR CO1 - SUNDT

SUBJECT

(CD 2 and CD 7) Authorize Execution of a Change Order for Extra Work in the Amount of \$2,387,411.79 and the Addition of 113 Calendar Days Under the Construction Manager at Risk Agreement with Sundt Construction, Inc., for the Cromwell Marine Creek Road Project, from Boat Club Road (Farm to Market Road 1220) to Marine Creek Parkway, Adopt Appropriation Ordinance, and Amend the Fiscal Years 2026-2030 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize execution of a Change Order for extra work in the amount of \$2,387,411.79 and the addition of 113 calendar days under City Secretary Contract No. 59041, a Construction Manager at Risk Agreement with Sundt Construction, Inc., for the Cromwell-Marine Creek project (City Project No. 101012);
2. Adopt the attached appropriation ordinance adjusting appropriations in the 2018 Bond Program Fund by increasing appropriations in the Cromwell-Marine Creek Road project (City Project No. 101012) in the amount of \$850,000.00, and by decreasing appropriations in the Authorized, Not Appropriated project (City Project No. U34018) by the same amount; and
3. Amend the Fiscal Years 2026-2030 Capital Improvement Program.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to authorize a Change Order for extra work in the amount of \$2,387,411.79, which is expected to take 113 calendar days to complete, under the Construction Manager at Risk Agreement (CMAR) with Sundt Construction, Inc., for the Cromwell Marine Creek Road Project, from Boat Club Road (Farm to Market Road (FM) 1220) to Marine Creek Parkway.

On December 12, 2022 (M&C 22-1047) the CMAR agreement with Sundt Construction, Inc. was authorized for execution (CSC No. 59041). The agreement was for the amount \$120,000.00 for preconstruction phase services and established a 5.75% construction phase fee. The then construction budget was \$24,100,000.00 out of a then overall project budget of \$39,779,237.00.

The Contract was amended by Amendment No. 1 on May 14, 2024 (M&C 24-0387) which established a construction phase Guaranteed Maximum Price (GMP) of \$44,886,140.31, inclusive of the CMAR's 5.75% fee. The M&C also authorized increasing the project budget by the amount of \$21,239,483.92 most of which being programmed for the construction budget. The overall project budget is currently \$58,479,483.92.

In summer through fall, 2025, it was determined that excavation and subsequent paving of Cromwell Marine Creek Road from the intersection with Bob Hanger Street to the bridge over Marine Creek resulted in a roadway elevation generally incompatible with respect to the adjacent neighborhood streets. Specifically, the new elevation of Cromwell Marine Creek Road created undesirably steep connections at the intersections of Bob Hanger Street, Neptune Street, Provinces Street, Britannic Street, and Crystal Lake Drive as well as near the intersections of Cape Street and Bay Lake Drive. The Design Engineer made changes to the original project design and TPW staff requested the CMAR perform the extra work to improve the connections.

The extra work, in the amount of \$2,387,411.79, provides for the removal of pavement, elevating and reconstructing the roadway to improve the connections to the neighborhood streets. The amount includes \$336,343.00 for owner's allowance/contingency to be used at the City's discretion if needed. This extra work cost also includes additional costs for bonds and insurance, CMAR contingency and labor and materials. As apportionment of fault has not been established, at this time the extra work is not being incorporated into the GMP and the CMAR's 5.75% fee (\$117,936.46) is being withheld.

The following table summarizes previous contract action and amendments:

Contract	M&C	Date	Justification	Amount
Initial Contract - Sundt Construction, Inc.	22-1047	12/13/2022	Preconstruction Phase Fee	\$120,000.00
Amendment No. 1	24-0387	5/14/2024	CMAR's 5.75% Construction Phase Fee - Within GMP	\$2,394,270.67
Total Proposed CMAR Fees*				\$2,514,270.67

Change Order - Extra Work	Pending	This M&C	Extra Work	\$2,387,411.79
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*This is the amount CMAR expects to earn in fees.

The 2022 Capital Improvement Program allocated funds for the roadway widening of Cromwell Marine Creek Road between Boat Club Road (FM 1220) and Marine Creek Parkway. A CMAR with Sundt Construction, Inc., (Contractor) was authorized for the construction of a four-lane arterial street from Boat Club Road (FM 1220) to Marine Creek Parkway with signalized intersections at Bowman Roberts Road, Huffines Boulevard/Bob Hanger Street and Crystal Lake Drive. The project is currently being funded through the City's 2018 and 2022 Bond Programs, Tarrant County 2021 Bond Program, and transportation impact fees. The action in the M&C will appropriate additional funding for Cromwell-Marine Creek project (City Project No. 101012), as follows:

Fund	Existing Funding	Additional Funding	Project Total
2018 Bond Program - Fund U34018	\$0.00	\$850,000.00	\$850,000.00
2018 Bond Program - Fund 34018	\$30,099,483.92	\$0.00	\$30,099,483.92
2022 Bond Program - Fund 34027	\$10,970,000.00	\$0.00	\$10,970,000.00
Transportation Impact Fee Cap - Fund 30108	\$2,730,000.00	\$0.00	\$2,730,000.00
Intergovernmental Contribution - Fund 30106	\$13,910,000.00	\$0.00	\$13,910,000.00
TaxNote2017 - Fund 34017	\$500,000.00	\$0.00	\$500,000.00
Trans Impact Fee Cap Legacy - Fund 39008	\$270,000.00	\$0.00	\$270,000.00
Project Total	\$58,479,483.92	\$850,000.00	\$59,329,483.92

Funding for this Extra Work Change Order was not included in the Fiscal Years 2026-2030 Capital Improvement Plan. An additional \$850,000.00 in funding is required to advance the extra work required by Change Order. The actions in this M&C will amend the Fiscal Years 2026-2030 Capital Improvement Program as approved in connection with Ordinance 27979-09-2025.

Funding is budgeted in the Authorized, Not Appropriated project within the 2018 Bond Program Fund within for the Transportation and Public Works Department for the purpose of funding the Cromwell Marine Creek project.

The project is located in COUNCIL DISTRICTS 2 & 7.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available in the Authorized, Not Appropriated project within the 2018 Bond Program Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in the 2018 Bond Program Fund for the Cromwell - Marine Creek project. Prior to an expenditure being incurred, Transportation & Public Works has the responsibility to validate the availability of funds.

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Expedited