

City of Fort Worth, Texas

Mayor and Council Communication

DATE: 06/10/25 M&C FILE NUMBER: M&C 25-0554

LOG NAME: 20SWM FWCC MAIN ST OUTFALL CHANGE ORDER NO. 2

SUBJECT

(CD 2 and CD 9) Authorize Execution of Change Order No. 2, in the Amount of \$237,052.00 and the Addition of 25 Calendar Days to the Construction Agreement with William J. Schultz, Inc. dba Circle C Construction Company, for the Installation and Maintenance of a Temporary Pedestrian Trail for a Revised Contract Total in the Amount of \$9,504,922.00, Adopt Appropriation Ordinance, and Amend Fiscal Years 2025-2029 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize execution of Change Order No. 2 to City Secretary Contract No. 59910, in the Amount of \$237,052.00 and the Addition of 25 Calendar Days to the Construction Agreement with William J. Schultz, Inc. dba Circle C Construction Company, for the installation and maintenance of the temporary pedestrian trail, increasing the contract amount to \$9,504,922.00 (City Project No. 103666).
2. Adopt the attached appropriation ordinance adjusting estimated receipts and appropriations in the Stormwater Capital Projects Fund, by increasing estimated receipts and appropriations in the Fort Worth Central City Main Street Outfall project (City Project No. 103666) in the amount of \$237,052.00, and decreasing estimate receipts and appropriations in the Fort Worth Central City Greenleaf project (City Project No.103260) by the same amount; and
3. Amend the Fiscal Years 2025-2029 Capital Improvement Program

DISCUSSION:

The purpose of this Mayor and Council Communication is to recommend execution of Change Order No. 2 for costs related to the installation and maintenance of a temporary pedestrian trail and make supporting appropriation adjustments.

On June 13, 2023 (M&C 23-0473), the City Council authorized a construction contract with William J. Schultz, Inc. dba Circle C Construction Company in the amount of \$9,242,595.00 for the Fort Worth Central City Main Street Outfall Project. The contract was subsequently revised by Change Order No. 1 in the amount of \$25,275.00, administratively authorized on October 9, 2024.

This is Change Order No. 2 for the installation and maintenance of the temporary pedestrian trail in the amount of \$237,052.00. Although the construction plans did indicate a detour trail, due to other portions of the trail being closed for construction, an additional detour was needed to ensure pedestrian safety. Staff considers the cost to be fair and reasonable for the scope of services provided.

Appropriations for the Main Street Outfall Project (City Project No. 103666) are depicted below:

Fund	Existing Appropriations	Additional Appropriations	Project Total
52002- Stormwater Capital Projects Fund	\$7,489,000.00	\$237,052.00	\$7,726,052.00
52007- Stormwater Rev Bonds 2020 Fund	\$295,118.37	\$0.00	\$295,118.37
52008- Drainage Rev Bonds Series 2023 Fund	\$2,000,000.00	\$0.00	\$2,000,000.00
52009- Stormwater Commercial Paper Fund	\$9,917,668.00	\$0.00	\$9,917,668.00
Project Total	\$19,701,786.37	\$237,052.00	\$19,938,838.37

Funding is currently available in the Fort Worth Central City Greenleaf project (City Project No.103260) within the Stormwater Capital Projects

Fund as detailed in the budget summary below :

<u>Fund</u>	<u>Existing Appropriations</u>	<u>Additional Appropriations</u>	<u>Project Total</u>
52002- Stormwater Capital Project Fund	\$806,261.00	(\$237,052.00)	\$569,209.00
52007- Stormwater Rev Bonds 2020 Fund	\$3,393,675.00	\$0.00	\$3,393,675.00
52008- Drainage Rev Bonds Series 2023 Fund	\$1,000,000.00	\$0.00	\$1,000,000.00
52009- Stormwater Commercial Paper Fund	\$7,237,351.00	\$0.00	\$7,237,351.00
Project Total	\$12,437,287.00	(\$237,052.00)	\$12,200,235.00

Funding from Greenleaf will be pulled from the Stormwater Capital Project Fund in order to pay for this change order.

The entirety of the \$9,242,595.00 original contract amount, the \$100,000.00 material testing fee (to be performed by a geotechnical testing firm), and the \$255,453.00 inspection fee (to be performed by an inspection firm) are considered Fort Worth Central City related work, which is eligible for funding reimbursement from Tax Increment Reinvestment Zone No. 9 (Trinity River Vision TIF) pursuant to the Trinity River Vision Authority (TRVA) Project Plan. Having met its \$26.6 million commitment to the TRVA Project, the Tarrant Regional Water District (TRWD) will reimburse the City's yearly expenses for this contract at the end of each Fiscal Year, up to the total amount of \$9,598,048.00, in accordance with the provisions of the executed Interlocal Agreement between the City and the TRWD (City Secretary Contract No. 59910). This is confirmed with the executed reimbursement letter dated June 12, 2023. Staff will record monthly receivables for reimbursable expenses, and the FWCC Program Manager in the FW Lab Department will collect the full reimbursement from TRWD at the end of each fiscal year.

Since the City has exhausted the share of the local program budget allocated to Stormwater infrastructure relocation, the additional \$262,327.00 in costs associated with Change Order No. 2 and No. 1 will not be included in the annual reimbursement process between the City and the TRWD. Rather, costs for these change orders will be eligible for reimbursement directly from future Trinity River Vision TIF revenue after prior commitments of the TIF have been satisfied. Once reimbursement associated with this project is received, those funds will be used to reimburse the Stormwater Utility. This future reimbursement of \$262,327.00 will be documented in a reimbursement letter between the City and TRWD upon approval of this M&C.

Because annual reimbursement by TRWD is not available for Change Order No. 2 and No. 1, Commercial Paper cannot be used to advance the funding. Instead, as depicted in the tables above, much of the initial funding for the project will be reallocated from the Stormwater Program's Paygo Fund.

Funding for this Change Order will Amend Fiscal Years 2025-2029 Capital Improvement Program.

Business Equity Office – William J. Schultz, Inc. dba Circle C Construction agrees to maintain its initial M/WBE commitment of 9% that it made on the original agreement and extend and maintain that same M/WBE commitment of 9% to this Amendment No. 2. Therefore Circle C Construction 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 DISTRICTS 2 and 9.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available in the FWCC Greenleaf Sump project within the Stormwater Capital Projects Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in the Stormwater Capital Projects Fund for the FWCC New Main St Outfall & 8 project to support the above recommendations and execution of this Change Order. Prior to any expenditure being incurred, the Transportation and Public Works Department has the responsibility to validate the availability of funds.

Submitted for City Manager's Office by: Jesica McEachern 5804

Originating Business Unit Head: Lauren Prieur 6035

