

Mayor and Council Communication

DATE: 10/17/23

M&C FILE NUMBER: M&C 23-0893

LOG NAME: 20SWM FWCC DESIGN CONTRACT AMENDMENT #3

SUBJECT

(CD 2 and CD 9) Authorize Execution of Amendment No. 3 to an Engineering Agreement with TranSystems Corporation d/b/a TranSystems Corporation Consultants, in the Amount of \$945,458.00 for Design and Construction Phase Services on the Stormwater and Franchise Utility Relocations for the Trinity River Vision-Central City Project, Now Known as Fort Worth Central City Project, for a Revised Contract Amount of \$2,290,967.00, Adopt Appropriation Ordinances and Amend the Fiscal Years 2024-2028 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize execution of Amendment No. 3 to City Secretary Contract No. 55953, an Engineering Agreement with TranSystems Corporation d/b/a TranSystems Corporation Consultants, in the amount of \$945,458.00 for stormwater relocations for the Fort Worth Central City project thereby increasing the contract amount to \$2,290,967.00;
2. Adopt the attached appropriation ordinance adjusting estimated receipts and appropriations in the Stormwater Capital Projects Fund by increasing estimated receipts and appropriations in Fort Worth Central City Bazaar Outfall Storm Drain project (City Project No. 103261) in the amount of \$5,000.00 by decreasing estimated receipts and appropriations in Fort Worth Central City Grand Avenue Phase 2 Part 2 (City Project No. 103664) by the same amount;
3. Adopt the attached appropriation ordinance adjusting estimated receipts and appropriations in the Stormwater Capital Projects Fund by increasing estimated receipts and appropriations in Fort Worth Central City Viola Outfall Storm Drain project (City Project No. 103264) in the amount of \$170,000.00 by decreasing estimated receipts and appropriations in Fort Worth Central City Grand Avenue Phase 2 Part 2 (City Project No. 103664) by the same amount;
4. Adopt the attached appropriation ordinance adjusting estimated receipts and appropriations in the Stormwater Capital Projects Fund by increasing estimated receipts and appropriations in Fort Worth Central City Cemetery Outfall Storm Drain project (City Project No. 103667) in the amount of \$290,000.00 by decreasing estimated receipts and appropriations in Fort Worth Central City Grand Avenue Phase 2 Part 2 (City Project No. 103664) by the same amount; and
5. Amend the Fiscal Years 2024-2028 Capital Improvement Program.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to recommend execution of Amendment No. 3 to an Engineering Agreement (Agreement) with TranSystems Corporation d/b/a TranSystems Corporation Consultants (TranSystems Corporation), for design and construction phase services related to the relocation of City stormwater infrastructure for the Fort Worth Central City (FWCC) project. The construction of the north and south bypass channels by the United States Army Corps of Engineers (USACE) for the FWCC projects will displace existing City drainage infrastructure and requires them to be relocated.

On May 11, 2021 (M&C 21-0328), the City Council authorized an agreement in the amount of \$1,247,299.00 with TranSystems Corporation for design services on the FWCC project. This original engineering agreement has previously been revised by two administrative amendments. The amendments including the amendment requested with this M&C are summarized below:

	Greenleaf (103260)	Bazaar Outfall (103261)	Main St Outfall (103262 / 103666)	University (103263)	Viola (103264)	Grand Ave (103664 / 103665)	Cemetery/ Houston (103667)	Amendment Total
Original Contract	\$353,940.00	\$255,644.40	\$99,051.00	\$288,518.40	\$250,145.00	\$0.00	\$0.00	\$1,247,298.80
Amendment 1	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$44,160.00	\$44,160.00
Amendment 2	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$54,050.00	\$0.00	\$54,050.00
Amendment 3	\$175,189.00	\$38,809.00	\$144,713.00	\$0.00	\$163,850.00	\$135,513.00	\$287,384.00	\$945,458.00
Total	\$529,129.00	\$294,453.40	\$243,764.00	\$288,518.40	\$413,955.00	\$189,563.00	\$331,544.00	\$2,290,966.80

Amendment 3 will have \$318,438.00 associated with additional design scope of work and archeological survey services completed under the lump sum portion of the current contract. The additional design services are for revisions to the Cemetery engineering plans as requested by USACE, calculations related to the water quality devices being installed on the project, and the archeological survey is for additional environmental investigations being required by USACE prior to construction commencing. The remaining \$627,020.00 of Amendment 3 is fee associated with Construction Phase Services for the various stormwater relocations projects in this contract and will be invoiced hourly at a not to exceed amount of \$627,020.00. The Construction Phase Services will allow the engineer of record to attend weekly site meetings, help address questions from the contractor, and provide expertise in the field. Additional franchise utility work is not included in Amendment 3. For this amendment of \$945,458.00, \$480,458.00 of this amount is already appropriated into the projects and the remaining amount of

\$465,000.00 will be appropriated with this M&C.

The additional appropriations requested in this M&C are distributed between projects as shown below.

Amendment 3	Greenleaf (103260)	Bazaar Outfall (103261)	Main St Outfall (103262 / 103666)	Viola (103264)	Grand Ave (103664 / 103665)	Cemetery/ Houston (103667)
Stormwater Design	\$6,460.00	\$4,400.00	\$9,280.00	\$6,460.00	\$0.00	\$199,830.00
Stormwater Construction Services	\$136,423.00	\$6,553.00	\$135,433.00	\$125,544.00	\$135,513.00	\$87,554.00
Archeological Survey	\$32,306.00	\$27,856.00	\$0.00	\$31,846.00	\$0.00	\$0.00
Total	\$175,189.00	\$38,809.00	\$144,713.00	\$163,850.00	\$135,513.00	\$287,384.00
Amendment Total	\$945,458.00					

The following table illustrates the funding for this project:

Capital Fund Name	103260 - FWCC Greenleaf Sump	103261 - FWCC Bazaar Outfall	103262 - FWCC Main Street Outfall	103264 - FWCC Viola Outfall	103664 - FWCC Grand Avenue	103665 - FWCC Grand Avenue	103666 - FWCC Main Street Outfall	103667 - FWCC Cemetery & Houston	Total
30104 - Developer Contribution Fund	\$58,065.00	\$65,549.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$123,614.40
52002 - Stormwater Capital Projects Fund	\$101,261.00	\$397.00	\$0.00	\$663.00	\$9,384,000.00	\$7,711,435.00	\$7,489,000.00	\$929.00	\$24,687,685.00
52007 - Stormwater Rev Bonds 2020 Fund	\$393,675.00	\$276,945.00	\$185,901.00	\$347,945.00	\$2,648,711.02	\$3,574,378.33	\$2,828,000.00	\$72,000.00	\$10,327,555.35
52009 - Stormwater Commercial Paper Fund	\$7,237,351.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7,237,351.00
Budget Change (Increase/Decrease)	\$0.00	\$5,000.00	\$0.00	\$170,000.00	(\$465,000.00)	\$0.00	\$0.00	\$290,000.00	\$0.00
Project Total	\$7,790,352.00	\$347,891.40	\$185,901.00	\$518,608.00	\$11,567,711.02	\$11,285,813.33	\$10,317,000.00	\$362,929.00	\$42,376,205.75

Staff considers the fee to be fair and reasonable for the scope of services provided.

The entirety of the \$2,290,967.00 amount of this contract, including the \$945,458.00 of Amendment 3, are considered Fort Worth Central City -related work, which are eligible for funding 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 \$2,290,967.00, in accordance with the provisions of the executed Interlocal Agreement between the City and the TRWD (City Secretary Contract No. 43425). Staff will record a receivable every month for reimbursable expenses, and the FWCC Program Manager in the FW Lab Department will be responsible for collecting the full reimbursement from TRWD at the end of each Fiscal Year.

Funding for this project was included in the FY2024-2028 Capital Improvement Program in the amount of \$42,376,205.75. Additional funding in the amount of \$465,000.00 is needed due to the addition of construction administration and additional design services under the current contract. The action of this M&C will amend the FY 2024-2028 Capital Improvement Program as approved in connection with Ordinance 26453-09-2023.

M/WBE OFFICE - TranSystems Corporation is in compliance with the City's Business Equity Ordinance by committing to 10% M/WBE participation on this project. The City's M/WBE goal on this project is 6%.

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 Grand Ave Ph2 Pt2 project within the Stormwater Capital Projects Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinances, funds will be available in the Stormwater Capital Projects Fund for the FWCC Bazaar Outfall, FWCC Viola and FWCC Cemetery Outfall & Houston projects to support the above recommendations and execution of the amendment. Prior to an expenditure being incurred, the Transportation & Public Works Department has the responsibility of verifying the availability of funds.

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