

City of Fort Worth, Texas

# Mayor and Council Communication

DATE: 06/24/25M&C FILE NUMBER: M&C 25-0606

LOG NAME: 20SWM FWCC GRAND AVE OUTFALL CHANGE ORDER NO. 6

SUBJECT

(CD 2) Authorize Execution of Change Order Number 6 in the Amount of \$344,457.50 and the Addition of 199 Calendar Days to the Construction Agreement with S.J. Louis Construction of Texas, LTD for the Complete Repaving of North Calhoun Street and the Addition of Extra Quantities for Railroad Flagmen for a Revised Contract Total in the Amount of \$23,447,554.22, 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. 6 to City Secretary Contract No. 59320, in the amount of \$344,457.50 and the addition of 199 Calendar Days to the construction agreement with S.J. Louis Construction of Texas, LTD, for the complete repaving of North Calhoun Street and the addition of extra quantities for railroad flagmen increasing the total contract amount to \$23,447,554.22 (City Project No. 103664/103665);
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 Grand Ave Outfall project (City Project No. 103665) in the amount of \$344,457.50 and decreasing estimated 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 (M&C) is to recommend execution of Change Order No.6 for costs related to the re-pavement of North Calhoun St, additional quantities of railroad flagmen, as well as the addition of 199 contract days.

This M&C will authorize Change Order No. 6 in the amount of \$344,457.50. This Change Order will cover the complete repaving of N Calhoun St with 3" Type D Asphalt and Cement Stabilized Subgrade. The original contract called for pavement repair on top of the open-cut trench for the storm drainpipe along Calhoun. However, due to the extremely poor quality of the existing asphalt pavement and subgrade, it was recommended that the entire street be repaved. This Change Order will also account for additional railroad flagmen days for the Fort Worth and Western Railroad storm drain tunnels, as more days were needed than originally expected in the contract. This Change Order will also account for the additional 199 Calendar Days owed to SJL for delays due to water line relocations, Atmos relocations, and Fort Worth and Western Railroad coordination delays. Additional calendar days may be granted at a later date if additional delays outside the control of the contractor are experienced. Staff considers the fee to be fair and reasonable for the scope of services provided.

On April 25, 2023 (M&C 23-0321), the City Council authorized a construction contract with S.J. Louis Construction of Texas, LTD (SJL) in the amount of \$22,750,084.50 for the Fort Worth Central City Grand Ave Outfall Project. The table below is a breakdown of all previous change orders for this project.

<u>Change Order Number</u>	<u>Change Order Amount</u>	<u>Date and Authorization Type</u>	<u>Purpose of Change Order</u>
1	\$0.00	April 25, 2024 Administratively	Zero-dollar Change Order to replace Stormceptor bid item with Baffle Box
2	\$0.00	Aug. 9, 2024 Administratively	Zero-dollar Change Order to add days to project
3	\$253,192.00	Nov. 12, 2024 M&C 24-1003	Change Order to add water and sewer items to the project

4	\$61,936.22	Mar. 27, 2025 Administratively	Change Order for the removal and replacement of tunnel liner plate for the Atmos Line removal
5	\$37,884.00	May 30, 2025 Administratively	Change Order for paving the intersection of Commerce and 11 <sup>th</sup> with concrete with asphalt overlay
6	\$344,457.50	This M&C	Change Order for the complete repaving of North Calhoun Street and the addition of extra quantities for railroad flagmen

Appropriations for the Grand Ave Outfall project (C00969, 103664, 103665) are depicted below:

**C00969 - Trinity River Vision, Phase 1**

<b><u>Fund</u></b>	<b><u>Existing Appropriations</u></b>	<b><u>Appropriation Increase / Decrease</u></b>	<b><u>Project Total</u></b>
56002 - W&S Capital Project Fund (C00969)	\$10,902,109.96	\$0.00	\$10,902,109.96
56005 - Water/Sewer Bond 2016 (C00969)	\$1,863,527.52	\$0.00	\$1,863,527.52
56007 -Water/Sewer Bond 2015A (C00969)	\$2,834,714.49	\$0.00	\$2,834,714.49
56023 - W&S Commercial paper (C00969)	\$3,692,861.04	\$0.00	\$3,692,861.04
39007 - Specially Funded Projects (C00969)	\$5,852,657.94	\$0.00	\$5,852,657.94
59601 - Water Capital (C00969)	\$14,396,958.40	\$0.00	\$14,396,958.40
59607 - Sewer Capital Legacy (C00969)	\$7,129,191.12	\$0.00	\$7,129,191.12
<b>Project Total</b>	<b>\$46,672,020.47</b>	<b>\$0.00</b>	<b>\$46,672,020.47</b>

**103664 - FWCC Grand Ave Ph2 Pt 2**

<b><u>Fund</u></b>	<b><u>Existing Appropriations</u></b>	<b><u>Appropriation Increase / Decrease</u></b>	<b><u>Project Total</u></b>

52002 - Stormwater Capital Projects (103664)	\$8,119,000.00	\$0.00	\$8,119,000.00
52008 - Drainage Rev Bonds Series 2023 (103664)	\$3,000,000.00	\$0.00	\$3,000,000.00
52009 - Stormwater Commercial paper (103664)	\$11,594,739.00	\$0.00	\$11,594,739.00
<b>Project Total</b>	<b>\$22,713,739.00</b>	<b>\$0.00</b>	<b>\$22,713,739.00</b>

**103665 - FWCC Grand Ave Ph2 Pt3**

<b><u>Fund</u></b>	<b><u>Existing Appropriations</u></b>	<b><u>Appropriation Increase / Decrease</u></b>	<b><u>Project Total</u></b>
52002 - Stormwater Capital Projects (103665)	\$6,956,435.00	\$344,457.50	\$7,300,892.50
52007 - Stormwater Rev Bonds 2020 (103665)	\$33,830.00	\$0.00	\$33,830.00
52008 - Drainage Rev Bonds Series 2023 (103665)	\$1,000,000.00	\$0.00	\$1,000,000.00
52009 - Stormwater Commercial paper (103665)	\$10,958,645.00	\$0.00	\$10,958,645.00
<b>Project Total</b>	<b>\$18,948,910.00</b>	<b>\$344,457.50</b>	<b>\$19,293,367.50</b>

Funding for Change Order 6 is currently available and will be pulled from the Fort Worth Central City Greenleaf Project (City Project No. 103260) within the Stormwater Capital Projects Fund as detailed in the budget summary below:

<b><u>Fund</u></b>	<b><u>Existing Appropriations</u></b>	<b><u>Appropriation Increase / Decrease</u></b>	<b><u>Project Total</u></b>
52002 - Stormwater Capital Projects	\$806,261.00	(\$344,457.50)	\$461,803.50
52007 - Stormwater Rev Bonds 2020	\$3,393,675.00	\$0.00	\$3,393,675.00
52008 - Drainage Rev Bonds Series 2023	\$1,000,000.00	\$0.00	\$1,000,000.00
52009 - Stormwater Commercial paper	\$7,237,351.00	\$0.00	\$7,237,351.00

30104 - Development Contribution	\$58,065.00	\$0.00	\$58,065.00
<b>Project Total</b>	<b>\$12,495,352.00</b>	<b>(\$344,457.50)</b>	<b>\$12,150,894.50</b>

The entirety of the \$22,750,084.50 original contract amount, the \$100,000.00 material testing fee (to be performed by a geotechnical testing firm), and the \$140,513.00 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 \$22,990,597.50, in accordance with the provisions of the executed Interlocal Agreement between the City and the TRWD (City Secretary Contract No. 59320). This is confirmed with the executed reimbursement letter dated April 12, 2023. Staff will record receivables 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.

Since the City has exhausted the share of the local program budget allocated to Stormwater infrastructure relocation, the additional \$697,469.72 in costs associated with Change Order No. 3, 4, 5, and 6 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 \$697,469.72 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. 3, 4, 5, and 6, 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 and Bond Funds.

Funding for this change order will Amend Fiscal Years 2025-2029 Capital Improvement Program.

Funding is budgeted in the Fort Worth Central City Greenleaf project (City Project No: 103260) in the Stormwater Capital Projects Fund, upon approval of the above recommendations and adoption of the attached appropriation ordinances, funds will be available for the purpose of funding Change Order No. 6, in the amount of \$344,457.50, for the Fort Worth Central City Grand Ave Outfall project (City Project No. 103665).

Business Equity – S.J.Louis Construction of Texas agrees to maintain its initial M/WBE commitment of 14.00% that it made on the original contract and extend and maintain that same M/WBE commitment of 14.00% to all prior change orders up to and inclusive of this Change Order No. 6. Therefore S.J.Louis Construction of Texas 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 in COUNCIL DISTRICT 2.

#### **FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are currently available in the FWCC 5th St 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 Grand Ave Ph2 Pt3 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:**    Jessica McEachern    5804

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