

City of Fort Worth, Texas

Mayor and Council Communication

DATE: 03/19/24 M&C FILE NUMBER: M&C 24-0186

LOG NAME: 06N. BEACH ST (SH170 TO SARATOGA) CHANGE ORDER 2

SUBJECT

(CD 10) Authorize Execution of Change Order No. 2 to City Secretary Contract No. 59151, a Community Facilities Agreement with City Participation with Hillwood Alliance Services, LLC, Increasing Developer Participation by \$476,433.00 and Increasing City Participation by \$66,666.50, for the North Beach Street between State Highway 170 and Saratoga Project, Amend the Fiscal Years 2024-2028 of Capital Improvement Program, and Adopt Appropriation Ordinance

RECOMMENDATION:

It is recommended that the City Council;

1. Authorize execution of Change Order No. 2 to City Secretary Contract No. 59151, a Community Facilities Agreement with City participation with Hillwood Alliance Services, LLC, increasing developer participation by \$476,433.00 and increasing City participation by \$66,666.50 for the North Beach Street between State Highway 170 and Saratoga project (City Project No. 103773);
2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Government Community Facilities Agreement Fund in the amount of \$70,000.00, from available funds, for the purpose of funding the CFA-North Beach Street (State Highway 170 to Saratoga Downs Way) project (City Project No. 103773);
3. Amend the Fiscal Years 2024-2028 Capital Improvements Program.

DISCUSSION:

The purpose of this Mayor and Council Communication is to increase contractual authority for a Community Facilities Agreement, with the additional City participation covered by previously appropriated funds, and to appropriate available funds to cover increased inspection costs on an interim basis.

On December 14, 2021 Mayor & Council Communication (M&C) (21-0945), the City Council authorized execution of a Community Facilities Agreement with Hillwood Alliance Services, LLC, with City participation, adopted an ordinance increasing estimated receipts and appropriations in the Transportation Impact Fee Capital Fund, and adopted an ordinance adjusting estimated receipts and appropriations in the Water/Sewer Bond 2016 Fund.

On April 25, 2023 Mayor & Council Communication (M&C) (23-0294), the City Council authorized appropriating new developer funds from CFA Developer (30114) Fund in the amount of \$37,075.00.

Change Order No. 1 was required to align the executed bid proposal in the project manual with the executed CFA.

Change Order No. 2 is required to pay for the additional lime treatment application required for N. Beach Street and for storm drain design revisions that occurred during construction. Change Order No. 2 will increase the developer participation by \$476,433.00 and will increase the City participation by \$66,666.50. An additional 10 working days are included with this change order.

The following table summarizes previous contract action and change orders:

M&C	Developer's Cost	City's Cost	Total Cost	Number	Date
Initial Contract CS59151	\$1,321,164.00	\$2,991,583.25	\$4,312,747.25	M&C 21-0945	December14, 2021
Change Order 1	\$0.00	\$0.00	\$0.00		
Change Order 2	\$476,433.00	\$66,666.50	\$543,099.50	This M&C	
Contract Total	\$1,797,597.00	\$3,058,249.75	\$4,855,846.75		

Funding for the increased City participation is available in the CFA - North Beach Street (State Highway 170 to Saratoga Downs Way) project within the Transportation Impact Fee Capital Fund; because the funds are in teh project, no further Council action is needed to utilize dollars for the

North Beach Street increase. The attached appropriation ordinance adjusts appropriations Government Community Facilities Agreement Fund - adding \$70,000.00 to this project and reducing the Unspecified project by the same amount to provide interim funding for certain developer costs associated with North Beach Street between State Highway 170 and Saratoga project.

This funding aims to cover inspection services expenses and ensure that the project does not face a shortage of funds. Due to delays on the project, inspection costs have increased, and the estimated fees previously paid by the developer are not enough to cover the increased costs.

The appropriation ordinance is a temporary measure to provide interim funding for inspection costs until the project is complete. The developer is contractually obligated to pay these costs to the City once the project is completed and closed out.

Funding for this project was included in the FY2024-2028 Capital Improvement Program for year 2024. Accelerated funding is needed for this project due additional lime stablization for North Beach Street and storm drain modifications. 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 the North Beach Street between State Highway 170 and Saratoga Downs Way project is depicted below:

Fund	Existing Appropriations	Additional Appropriations	Project Total
Transportation Impact Fee Cap - Fund 30108	\$2,890,550.00	\$0	\$2,890,550.00
CFA Developer – Fund 30114	\$37,075.00	\$0	\$37,075.00
Water/Sewer Bond 2016 – Fund 56005	\$209,450.00	\$0	\$209,450.00
Govt Community Facilities Agmt - Fund 30111	\$0	\$70,000.00	\$70,000.00
Project Total	\$3,137,075.00	\$70,000.00	\$3,207,075.00

DVIN does not set a Business Equity goal for developer portions of Community Facilities Agreements on Change Orders and/or Amendments.

The project is located in COUNCIL DISTRICT 10.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available in the Unspecified-All Funds project within the Government Community Facilities Agreement Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in the Government Community Facilities Agreement Fund for the CFA-North Beach Street (State Highway 170 to Saratoga Downs Way) project. Prior to an expenditure being incurred the Development Services department has the responsibility of verifying the availability of funds.

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