

# Mayor and Council Communication

**DATE:** 04/12/22

**M&C FILE NUMBER:** M&C 22-0287

**LOG NAME:** 602018CIPY2C15CO3-TEXASBIT

**SUBJECT**

(CD 8) Authorize Execution of Change Order No. 3 in the Amount of \$454,629.38 and the Addition of 20 Calendar Days to the Contract with Texas Materials Group dba Texas Bit, for Combined Street Paving Improvements, Storm Drain and Water and Sanitary Sewer Main Replacements for 2018 Water Sewer Main-J & CIP Contract 15 Project, for a Revised Contract Amount of \$8,421,079.12, Adopt Attached Appropriation Ordinance to Effect a Portion of Water’s Contribution to the Fiscal Years 2022-2026 Capital Improvement Program, Adopt Attached Appropriation Ordinance and Amend the Transportation & Public Work’s Fiscal Years 2022-2026 Capital Improvement Program

**RECOMMENDATION:**

It is recommended that the City Council:

1. Authorize execution of Change Order No. 3 in the amount of \$454,629.38 and the addition of 20 calendar days to City Secretary Contract No. 54278 with Texas Materials Group dba Texas Bit, for combined street paving improvements, storm drain and water and sanitary sewer main replacements for 2018 Water Sewer Main-J & CIP Contract 15 project for a revised contract amount of \$8,421,079.12;
2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Water and Sewer Capital Projects Fund in the amount of \$309,813.00 transferred from available funds within the Water and Sewer Fund, for the purpose of funding the 2018 Water Sewer Main-J & CIP Contract 15 project (City Project No. 101476) to effect a portion of Water’s contribution to the Fiscal Years 2022-2026 Capital Improvement Program;
3. Adopt the attached appropriation ordinance adjusting estimated receipts and appropriations in the Stormwater Capital Projects fund by increasing appropriations in the 2018 Water Sewer Main-J & CIP Contract 15 project (City Project No. 101476) in the amount of \$116,679.00 and decreasing estimated receipts and appropriations in the Drainage Improvements programmable project (City Project No. P00043) by the same amount; and
4. Amend Transportation & Public Work’s Contribution to the Fiscal Years 2022-2026 Capital Improvement Program.

**DISCUSSION:**

On June 23, 2020, Mayor and Council Communication (M&C) 20-0456, City Council authorized a contract with Texas Materials Group dba Texas Bit, in the amount of \$7,543,467.02 for the combined street paving improvements, storm drain and water and sanitary sewer main replacements for 2018 Bond Street Reconstruction Contract 15 Project. The contract was subsequently revised by Change Order No. 1 in the amount of \$30,375.00 administratively authorized March 2, 2021 that provided for imported fill material to replace unsuitable trench material and Change Order No. 2 in the amount of \$392,607.72 authorized on October 12, 2021 (M&C 21-0800) that allowed for a change in paving procedure from mill and overlay to pulverize and overlay.

Change Order No. 3 will provide for the following: Replacement of the deteriorated water main on Baron Street (Wilkinson Street to Bomar Avenue), additional pay item quantities of sanitary sewer manhole adjustments and 8-inch ductile iron pipe that are needed on the project, reducing the pavement thickness on Purington Avenue from 3-inch to 2-inch in order to match the existing top of pavement elevation, installing a storm drain junction box at the Virginia Avenue/ Stella Street intersection to facilitate drainage flows, along with improving storm drain inlets and deteriorated pipes that were encountered during construction at the intersection.

The Staff has reviewed and verified the quantities for the additional work under this Change Order No. 3. Additionally, to complete this work, staff recommends that the contract time be extended by 20 calendar days. Staff recommends use of the remaining project funds and contingency in 2018 Bond Program - Fund 34018 to fund the paving portion of this change order.

This change order will have no impact on the Transportation and Public Works or on the Water Departments’ annual operating budgets.

The action in this M&C will amend the TPW’s Contribution to the Fiscal Years 2022-2026 Capital Improvement Program as approved in connection with Ordinance 25073-09-2021, Section 6. Capital Improvements, as listed on page 27:

Capital Fund Name	Project Name	FY2022 CIP Appropriations	Authority	Budget Adjustment	Revised FY2022 Budget
Stormwater Capital Projects Fund	P00043- Drainage Improvements Programable	\$3,696,304.00	M&C 21-0800	\$(40,000.00)	\$3,656,304.00
			This m&c	\$(116,697.00)	\$3,539,607.00

It is the practice of the Water Department to appropriate its CIP plan throughout the fiscal year, instead of within the annual budget ordinance, as

projects commence, additional funding needs are identified, and to comply with bond covenants. The actions in the M&C will appropriate funds in support of the Water's portion of the City of Fort Worth's Fiscal Years 2022-2026 Capital Improvement Program, as follows:

Capital Fund Name	Project Name	FY2022 CIP Appropriations	Authority	Budget Change (Increase / Decrease)	Revised FY2022 Budget
56002 - W&S Capital Projects Fund	101476 - 2018 WSM-J – CIP Contract 15	\$0.00	This M&C	\$309,813.00	\$309,813.00

Funding is budgeted in the Transfer to Water/Sewer account of the Water and Sewer operating budgets for the purpose of funding the Water Sewer Main-J & CIP Contract 15 project within the Water & Sewer Capital Projects Fund.

Appropriations for the combined street paving improvements, storm drain and water and sanitary sewer main replacements for 2018 Water Sewer Main-J & CIP Contract 15 Project will consist of the following:

Fund	Existing Appropriations	Additional Appropriations	Project Total*
2018 Bond Program - Fund 34018	\$4,873,832.00	\$0.00	\$4,873,832.00
Stormwater Capital Projects Fund - 52002	\$322,500.00	\$116,679.00	\$439,179.00
W&S Capital Projects - Fund 56002	\$4,907,300.00	\$309,813.00	\$5,217,113.00
Project Total	\$10,103,632.00	\$426,492.00	\$10,530,124.00

\* Numbers rounded for presentation purposes.

Funds for this project are included in the 2018 Bond Program. Available resources within the General Fund will be used to provide interim financing until debt is issued. Once debt associated with the project is sold, bond proceeds will reimburse the General Fund in accordance with the statement expressing Official Intent to Reimburse that was adopted as part of the ordinance canvassing the bond election (Ordinance No. 23209-05-2018) and subsequent actions taken by the Mayor and Council.

Business Equity: Texas Materials Group, Inc. dba Texas Bit agrees to maintain its initial M/WBE commitment of 15 percent that it made on the original contract and extend and maintain that same M/WBE commitment of 15 percent to all prior change orders up to and inclusive of this Change Order No. 3. Therefore Texas Materials Group, Inc. dba Texas Bit 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 from executed by an authorized representative of its company.

This project is located in COUNCIL DISTRICT 8.

A Form 1295 is not required because: This contract will be with a publicly-traded business entity or a wholly-owned subsidiary of a publicly-traded business entity: Texas Materials Group dba Texas Bit

**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are available in the Water & Sewer Fund and in the Drainage Improvement Projects programmable 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, W&S Capital Projects Fund and the 2018 Bond Program Fund for the 2018 WSM-J-CIP Contract 15 project to support the approval of the above recommendations and execution of the change order to the contract. Prior to an expenditure being incurred, the Transportation & Public Works and Water Departments have the responsibility of verifying the availability of funds.

**Submitted for City Manager's Office by:** Dana Burghdoff 8018

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