

## AGENDA



Thursday, November 4, 2010

**Contract and Land Management  
RECOMMENDATION FOR COUNCIL ACTION****Item No. 2**

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**Subject:** Authorize additional funding in the amount of \$90,000 for the remainder of design and design-build services for a total Design-Build Agreement amount not to exceed \$440,000 with FLINTCO, INC., Austin, TX for the new Asian American Resource Center.

**Amount and Source of Funding:** Funding in the amount of \$90,000 is available in the Fiscal Year 2010–2011 Capital Budget of the Financial and Administrative Services Department.

**Fiscal Note:** A fiscal note is attached.

**For More Information:** David Kim Taylor 974-7132, Lynda Williams 974-3066, Sarah Terry 974-7141.

**MBE/WBE:** This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 33.00% MBE and 15.80% WBE subconsultant participation.

**Prior Council Action:** July 29, 2010 - Council authorized the negotiation and execution of a Design-Build Agreement with Flintco, Inc.; March 11, 2010 - Council authorized the use of a Design-Build Alternative Project Delivery Method.

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**Project Background:** The 2006 Bond Program authorized \$5 million for the development of the Asian American Resource Center (AARC). After careful review of the AARC business plan, City staff and the AARC Advisory Board agreed that in order to optimize funding and project delivery and completion, the project would be best achieved under the Design-Build project delivery method. This Design-Build Agreement has a very aggressive project schedule and it consists of design and construction of a new building and related site improvements for the AARC for a fixed project budget of \$4,100,000.00.

**Design-Build Overview:** Design-Build (D-B) is a delivery method under which design and construction services are contracted through one entity, either a joint venture between a design consultant and a builder or from a single entity that has both capabilities. A D-B project consists of two continuous phases: Design of the facility and construction of the facility. Pursuant to Local Government Code Chapter 271, Subchapter H, A D-B contract shall be awarded to the offeror providing the best value to the City, as determined through a qualifications-based selection process. An optimal feature for projects with aggressive schedules is that the D-B delivery method provides for mutual agreement on a guaranteed maximum price (GMP) for construction phase services before design is 100% complete.

**Current Status:** On July 29, 2010, Council authorized award to Flintco, Inc., Design-Builder for the AARC for an amount not-to-exceed \$350,000. This amount is for all design phase and D-B services (including schematic design, design development, construction documentation, preconstruction services, constructability reviews, etc.).

As stipulated in the D-B agreement, only Schematic Design services were initially negotiated and approved in the amount of \$95,947 with the remaining design and design-phase services added by Amendment No. 1. After further assessment, staff believes that the initial amount of \$350,000 approved by Council on July 29th is insufficient and thus requests additional funding in the amount of \$90,000. The

total not-to-exceed amount of \$440,000 will be sufficient to cover schematic design and all remaining design services including construction administration. Schematic Design services are currently underway and we expect completion in early November, 2010. This request for additional funding is being made now so as not to disrupt the project schedule.

Additionally, when design is sufficiently complete, staff will request Council authority to enter into a Guaranteed Maximum Price for the construction phase services which includes on-site management, superintendence, administration, procuring bonds and insurance, temporary utility and sanitary services, procurement of subcontractors, building construction, site work, and coordinating work of other owner contractors. Other services include project reporting, partnering and other duties and responsibilities as set out in the Design Criteria Manual, Agreement and General Conditions of the Contract. Separate MBE/WBE participation goals will be established for the construction packages associated with this project, and the Design-Builder's compliance plan for such services will be approved by SMBR.