



**Change order  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 22  
AGENDA DATE: Thu 02/12/2004  
PAGE: 1 of 4**

**SUBJECT:** Authorize negotiation and execution of change order # 10 to the construction contract with Construction Manager at Risk, HENSEL PHELPS CONSTRUCTION COMPANY, Austin, TX, for repair and repaving of Cesar Chavez Street, and the installation of parking garage control equipment in the New City Hall - Building and Public Plaza (Phase III) in the amount of \$345,000, for a total contract amount not to exceed \$33,242,000.

**AMOUNT & SOURCE OF FUNDING:** Funding in the amount of \$180,000 is available in the Fiscal Year 2003-2004 Capital Budget of the Economic Growth and Redevelopment Services Office; \$165,000 is available in the Fiscal Year 2003-2004 Capital Budget of the Public Works Department.

**FISCAL NOTE:** A fiscal note is attached.

**REQUESTING** Public Works  
**DEPARTMENT:** for Economic Growth and  
Redevelopment Services;

**DIRECTOR'S  
AUTHORIZATION:** Sondra Creighton

**FOR MORE INFORMATION CONTACT:** Ron Davis, 974-7001; Nathan Schneider, 974-7131; Laura Bohl, 974-7064

**PRIOR COUNCIL ACTION:** 08/29/02 - Approved Construction Manager-at-Risk process for New City Hall - Building and Public Plaza (Phase III); 12/12/02 - Approved Construction Manager-at-Risk contract with Hensel Phelps Construction Company; 07/17/03 - Approved Amendment No. 2 to the Construction Manager-at-Risk contract.

**BOARD AND COMMISSION ACTION:** N/A

**PURCHASING:** N/A

**MBE / WBE:** 13.84% MBE and 12.75% WBE subcontractor participation to date.

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On December 12, 2002, City Council authorized the City Manager to negotiate and execute a Construction Manager-at-Risk (CMR) contract with Hensel Phelps Construction Company for a Construction Manager Fee, General Conditions, an estimated allowance for Pre-Construction Phase Services and an estimated allowance for an Initial Construction Trade Package, for an early start of construction on the New City Hall and Public Plaza (Phase III), in an amount not to exceed \$16,968,282. The CMR contract was executed January 3, 2003, with Amendments #1A and #1B executed on April 7, 2003 and May 16, 2003, respectively, for the fees described above and Initial Construction Trade Packages. On July 17, 2003, City Council authorized the City Manager to negotiate and execute Amendment #2 to the CMR contract for the remaining construction trade packages, with an increase to the contract authorization in the amount of \$15,883,718, for a total contract authorization of \$32,852,000. On December 4, 2003, this authorization was increased by \$45,000, using administrative authority, to provide additional Owner's contingency for pending change order work; for a total contract authorization of \$32,897,000.



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Approval of this change order will accomplish two things: 1) correct minor drainage irregularities along Cesar Chavez Street from, and including, the San Antonio Street intersection to, and including, the Colorado Street intersection and will provide a new curb to curb road surface to match the new road surfaces on Lavaca, Guadalupe and Second Streets, in an amount not to exceed \$165,000; and 2) allow the installation of parking control equipment in the underground parking garage, including ticket dispensers, entrance and exit gates, card readers and a parking attendant booth, in an amount not to exceed \$180,000. Funding for the parking control equipment is being provided by funds made available through a reimbursement from AMLI Austin Retail as part of the City's agreement with AMLI for the development of Second Street retail project, which is also scheduled for action.

Components of the CMR construction contract with Hensel Phelps Construction Company include:

Construction Manager Fee (overhead and profit).....	\$1,000,000.00
General Conditions .....	\$1,725,000.00
Pre-Construction Phase Services.....	\$145,000.00
Amendment No. 1A: Subcontracts for site & utility work, reinforced concrete structure, hoisting and miscellaneous purchases.	\$6,187,148.00
Amendment No. 1B: includes subcontracts for waterproofing, mechanical, electrical, plumbing, fire protection, security systems, and elevators.	\$6,823,389.00
Amendment No. 2: Subcontracts for roofing, siding, drywall, masonry, glazing, interior finishes, landscaping, additional mechanical, electrical, plumbing and construction allowances for subcontracts that were not yet bought out.	\$16,072,791.00
Construction Manager's (CMR) Contingency allowance	\$770,824.00
Owner's Contingency allowance	<u>\$172,848.00</u>

Current contract authorization \$32,897,000.00

Proposed Ch. Order No. 10: Pave Cesar Chavez and install parking control equipment \$345,000.00

Total not-to-exceed amount for this contract \$33,242,000.00



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CHANGE ORDER INFORMATION:			CONTINGENCIES		
DATE	CO#	DESCRIPTION	CMR	OWNER	CO%
Contingency	1	Competitive Sealed Proposal (CSP) document reproduction, CSP#1A	\$42,000		0.14%
Contingency	2	Additional CSP document reproduction, CSP#1B	\$40,000		0.12%
Contingency	3	Additional CSP document reproduction, structural revisions and addition of water softening equipment, CSP#1B	\$47,174		0.15%
Contingency	4	Preconstruction phase and value engineering services and related construction document modifications prior to issuing competitive sealed proposals		\$70,345	0.22%
Contingency	5	Additional general conditions, structural modifications and waterline utility work	\$20,788		0.06%
Contingency	6	Site work, drainage and backfill in plaza, in the amount of \$352,773, funded from CMR Site Work Allowance that was included in Amendment No. 2			0.00%
Contingency	7	Structural modifications	\$12,779		0.04%
Contingency	8	Structural, site work and utility revisions		\$14,278	0.04%
Contingency	9	Administrative authority increase to Owner's Contingency allowance to fund pending change orders		<\$45,000>	0.14%
Total of change orders			\$162,741	\$39,623	

Proposed Change Order No. 10: Paving of Cesar Chavez and installation of parking garage control equipment in the City Hall parking garage.....\$345,000 1.08%

CMR contract amount prior to this council action.....\$32,200,692  
 CMR Contingency allowance, balance remaining .....\$608,083  
 Owner Contingency allowance, balance remaining..... \$88,225  
 Contract authorization prior to this council action.....\$32,897,000

Total CMR contract authorization amount including this council action.....\$33,242,000  
 Total change orders to date including this council action.....1.99%  
Pre-construction Phase Services Goals: Separate participation goals were established by SMBR for the pre-construction phase services trades packages (which includes the Construction Manager at Risk Fee Stipulated Sum, the General Conditions Stipulated Sum and an estimated amount for pre-construction phase services). Participation goals stated in the RFQ/RFP solicitation were: 2.28% African American; 3.16% Hispanic; 1.28% Native/Asian American and 3.16% WBE.

Overall subcontractor participation accomplished to date for the pre-construction phase services are: 2.40% African American, 6.39% Hispanic, 0.78% Native/Asian American and 1.94% WBE and 0.60% Non-M/WBE.



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Construction Phase Services Goals: Participation goals established for the construction phase were: 3.34% African American; 10.17% Hispanic; 2.21% Native/Asian American and 5.75% WBE.

Total estimated construction phase participation for this change order:

NON M/WBE TOTAL – PRIME	\$55,000	0.19%
Hensel Phelps, Austin, TX	\$55,000	0.19%
MBE TOTAL – SUBCONTRACTORS	\$30,000	0.10%
Hispanic Subtotal	\$30,000	0.10%
MAC, Inc., Austin, TX (sitework)	\$30,000	0.10%
WBE TOTAL – SUBCONTRACTORS	\$80,000	0.27%
Industrial Asphalt, Buda, TX (asphalt)	\$80,000	0.27%
NON M/WBE TOTAL – SUBCONTRACTORS	\$180,000	0.62%
Mitchell Time & Parking, Austin, TX (parking control equip.)	\$180,000	0.62%

Overall subcontractor participation for the construction phase, including this change order:

2.21% African American, 11.70% Hispanic, 0.80% Native/Asian American, 14.31% WBE and 70.98% Non M/WBE.

**CIP  
Fiscal Note**

**DATE OF COUNCIL CONSIDERATION:**  
**WHERE ON AGENDA:**  
**DEPARTMENT:**

2/12/2004  
Resolution not Required  
Public Works

**DESCRIPTION:** Authorize negotiation and execution of change order #11 to the construction contract with Construction Manager at Risk, HENSEL PHELPS CONSTRUCTION COMPANY, Austin, Texas, for repair and repaving of Cesar Chavez Street and the installation of parking garage control equipment in the New City Hall - Building and Public Plaza (Phase II) in the amount of \$345,000, for a total contract amount not to exceed \$33,242,000.

**FINANCIAL INFORMATION:**

Project Name:	New City Hall, Plaza, & Parking
Project Authorization:	2003-04 Amended Capital Budget
Funding Source:	CSC Funding, FY02 Certificates of Obligation FY01 Certificates of Obligation; 1998 G.O. Bonds P1; FY02 Austin Energy Xfr, FY03 Austin Energy Xfr; FY02 Water/Wastewater Xfr, FY02 CIP Interest, FY03 General Fund Xfr; FY04 CIP Interest; FY03 Contractual Obligations; retail participation
Number:	8999-607-2400, 8999-607-2401, 8999-607-2403, 8999-2451, 8780-607-1890, 3060-117-1691, 3926-227-7062, 8840-567-0002, 8640-567-0120, 8999-607-2402, 8999-607-new

Current Appropriation	\$52,917,000
Unencumbered Balance	\$2,853,611
Amount of This Action	(\$180,000)
Remaining Balance	\$2,673,611

Project Name:	City Hall/CSC Final Paving
Project Authorization:	2003-04 Amended Capital Budget
Funding Source:	1998 Street Reconstruction Bonds
Number:	8780-607-1879

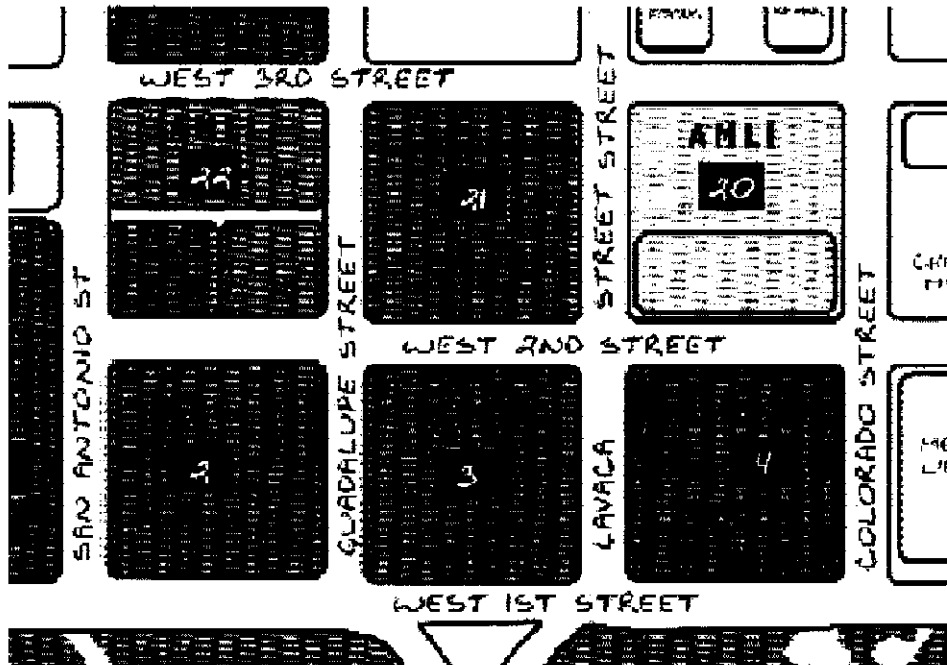
Current Appropriation	\$770,000
Unencumbered Balance	\$770,000
Amount of This Action	(\$185,000)
Remaining Balance	\$585,000

Financial Manager, EGRSD

*Ming Kruger*

Date:

*1/29/04*



## LOCATION MAP

# Proposed CITY HALL SITE

BLOCK 3  
City of Austin