

AN ORDINANCE 2014-02-10-04

AN ORDINANCE APPROVING AN AMENDMENT TO THE BARTLETT COCKE CONSTRUCTION CONTRACT TO PROVIDE AUTHORIZATION FOR THE CITY MANAGER TO COMMIT TO A GUARANTEED MAXIMUM PRICE AS THE COST FOR THE CONSTRUCTION OF THE MUNICIPAL OFFICES, POLICE STATION AND FIRE STATION; PROVIDING REPEALER, CUMULATIVE, SEVERABILITY CLAUSES AND AN EFFECTIVE DATE

WHEREAS, the city of Leon Valley has currently has an agreement with Bartlett Cocke which provides the scope and parameters of the construction of the City's municipal facilities project; and

WHEREAS, The maximum price guarantee under the current agreement ("MPG") is currently set at \$6,736,460 and covers all expenses related to the construction of the Municipal Offices, Police and Fire Station. The MPG sets the maximum price and all construction costs above that number are the responsibility of Bartlett Cocke. However, if there are project savings through lower construction cost then the City gets those savings; and

WHEREAS, the current MPG was developed by Bartlett Cocke through an extensive bidding process. There are approximately \$200,000 of non-essential alternates that are not included in the MPG; and

WHEREAS, based on the evaluation of projected costs and possible cost saving alternatives identified through an analysis conducted by Bartlett Cocke, city staff and OCO architects, it has been determined that the MPG should be revised to reflect the refinements to the projected costs for this project; and

WHEREAS, the city council has considered the best methods to ensure that the costs of this project are able to be closely reviewed and managed without continuous and frequent consultations with the city council, and therefore find that it is in the city's best interest to delegate the authority to the city manager to sign the agreement specifying the MPG for this project that most accurately reflects the refined costs associated with the city's municipal facilities project.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

I.

The City Council hereby approves an amendment to the Bartlett Cocke Contractor at Risk agreement and to provide the City Manager authority to set the maximum price

guarantee ("MPG") for the city's municipal facilities project and to sign the agreement as necessary to exercise the authority granted herein. The City Council authorizes the City Manager to make the necessary amendments to the agreement that reflect the modifications to the MPG as deemed necessary by the City's contracted architects and project attorney.

II CUMULATIVE CLAUSE

That this ordinance shall be cumulative of all provisions of the City of Leon Valley, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

III SEVERABILITY

That it is hereby declared to be the intention of the City Council of the City of Leon Valley that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

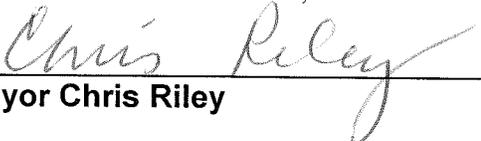
IV PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government.

V. EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as required by State and Local law.

PASSED and **APPROVED** this the 10th day of February, 2014.



Mayor Chris Riley

ATTEST:

Leticia Callanen
Interim City Secretary Leticia Callanen



APPROVED AS TO FORM:

Charles E. Zech
City Attorney Charles E. Zech

MAYOR AND COUNCIL COMMUNICATION

M&C# 2014-02-10-14

DATE: February 10, 2014
TO: MAYOR AND CITY COUNCIL
FROM: MANUEL LONGORIA JR., CITY MANAGER
SUBJECT: CONSIDERATION OF AN ORDINANCE APPROVING AN AMENDMENT TO THE BARTLETT COCKE CONSTRUCTION CONTRACT THAT PROVIDES AUTHORIZATION FOR THE CITY MANAGER TO COMMIT TO A GUARANTEED MAXIMUM PRICE AS THE COST FOR THE CONSTRUCTION OF THE MUNICIPAL OFFICES, POLICE STATION AND FIRE STATION

PURPOSE

The purpose of this item is to approve an amendment to the Bartlett Cocke Contractor at Risk agreement. The contract amendment gives the City Manager the authority to sign the agreement specifying the Maximum Price Guarantee (MPG) for the municipal facilities project. The MPG is set at \$6,736,460 and covers all expenses related to the construction of the Municipal Offices, Police and Fire Station. The MPG sets the maximum price and all construction costs above that number are the responsibility of Bartlett Cocke. However, if there are project savings through lower construction cost then the City gets those savings.

Attached is the MPG report that outlines the scope of the project as it relates to the MPG. The MPG was developed by Bartlett Cocke through an extensive bidding process. There is approximately \$200,000 of non-essential alternates that are not included in the MPG. We anticipate that as the project is constructed and value-engineering principles are applied we may identify cost savings within the MPG that will be used to fund these alternates. An example of an unfunded alternate is the City Hall monument sign for Bandera Road.

City Staff along with OCO Architects were involved in the bidding process and the associated refinements that are reflected in the final scope. Also, City Staff provided a summary of the GMP to the Bond Oversight Committee at their meeting held January 23, 2014. In addition, the GMP and the Amendment Agreement was reviewed by our Project Attorney—Mr. Jeff Chapman and he recommends approval.

If this item is approved, a notice to proceed will be issued on February 11 and we expect a twenty-four month construction schedule (December 2015) for completion of the project.

FISCAL IMPACT

The cost of this agreement is \$6,736,460 to be paid through the 2012 Bond Proceeds.

RECOMMENDATION

Staff recommends approval of this amendment.

S.E.E STATEMENT

Social Equity – The new facilities will provide state of the art systems that allow equitable use of the facilities by all citizens. The facilities will be built with the ADA requirements in place.

Environmental Stewardship – The environment is always of significant importance when designing and constructing city facility projects in the City. This project will incorporate LEED type systems where possible throughout the buildings and site improvements.

Economic Development – The updated City facilities may encourage new residents and businesses to consider moving to Leon Valley.

APPROVED: DISAPPROVED:

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

Leticia Callanen

Interim City Secretary