

**Agenda Item Details**

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| Meeting        | Jan 10, 2023 - Bryan City Council Second Regular Meeting  |
| Category       | 6. Statutory (Automatic Approval) Agenda - This agenda consists of items previously approved by Council action such as adoption of items that are part of an approved budget or capital improvement projects, first and only readings of ordinances, interlocal agreements, or action that is required by law or delegated to the City Manager. Items may be removed from the statutory agenda for separate consideration at the request of two Councilmembers. |
| Subject        | C. Approval of Bryan Midtown Park Design Contract Amendment 9 with Mitchell & Morgan, L.L.P., City Job Number 572-D5-1814, in an amount not to exceed \$251,809.75  |
| Type           | Action (Statutory)  |
| Preferred Date | Jan 10, 2023  |
| Absolute Date  | Jan 10, 2023  |
| Fiscal Impact  | Yes   |
| Dollar Amount  | 251,809.75  |
| Budgeted       | Yes   |
| Budget Source  | 2020 Bonds (Fund 374) = \$251,809.75  |
| Goals          | Quality of Life<br>Infrastructure   |

**Summary:**

The Travis Bryan Midtown Park, is included in the FY 2020 approved Capital Improvement Program. The Mitchell & Morgan, LLP design contract was approved by the Bryan City Council on November 12, 2019, for \$2,622,795.05. Since that time, numerous phases of infrastructure have been designed and advertised for bid; some projects have completed construction with others are still under construction.

Contract Amendment #1 was approved by the City Council on February 11, 2020, for \$73,650, which included additional services to design the driveway serving BigShots, update the masterplan, and prepare architectural design standards. Amendment #2 was approved by the City Manager on June 1, 2020, for \$20,075 and was for development of the Chemical Hazard Health and Safety Plan for the Lake Earthwork contract along with waste classification and analysis of lake excavation tests and development of a hygiene plan and dust monitoring related to the Lake Bypass Channel. Amendment #3 was approved by City Council on August 11, 2020, for \$160,783.53 and included additional services for Travis Fields backstops, the BigShots access drive, lake testing, boardwalk/pier and dam design, as well as additional services to support designs for the outer loop trail, detention pond, and extension of Midtown Park Boulevard. Amendment #3 also included Letter of Map Revision with FEMA, Water Rights Permitting, TDLR ADA Review, and limited site investigation for the oil pad sites. Amendment #4 was approved by the City Manager on October 19, 2020, for \$25,410 and revised the parking lot and lighting at Travis Field and third-party structural engineering inspections. Contract Amendment #5 was approved by City Council on January 12, 2020, for \$61,126.15 and included the reallocation of funds for professional services for bridge designs throughout the park, sanitary sewer studies, traffic impact analyses, and geotechnical investigations. This 5th Amendment also included additional fees to revise proposed grading at the lake edge, lighting re-design along the outer loop trail, and various design revisions to the extension of Midtown Park Boulevard. Amendment #6 was approved by City Council on July 13, 2021, for \$574,675 and included additional services for surveying; the analysis, permitting, design, and construction management of the lake's emergency spillway and dam; and the design of a sedimentation pond upstream of the park site. Amendment #7 was approved by City Council on March 8, 2022, for \$390,245.82 and included the design services associated with Phase 8A – Connector Roadway A (from Villa Maria Road near the existing pro shop to the roundabout leading to BigShots Golf). Amendment #8 was approved by City Council on November 14, 2022, for \$49,929.00 and included the additional funding request for design services associated with Phase 9C – Marquee Sign at the intersection of South College Avenue and Villa Maria Road.

These 8 design contract amendments brought the current contract total to \$3,978,689.55.

Design Contract Amendment 9, in the amount of \$251,809.75, includes the following:

**Costello, Inc. - Scope of Services Revision Explanation:**

- In Contract Amendment #5, Mitchell & Morgan provided an explanation of Costello, Inc.'s scope of services and how they were modified from the original contract. Specifically, the scope was revised to include the design of a boardwalk and fishing pier including construction phase services for these items in the amount of \$3,500.00.
- As this project has progressed, the design of the boardwalk and fishing pier structures were recently released in a Request for Qualifications (RFQ) and will no longer be part of this design contract, and therefore these construction phase services will not be needed.
- With that said, Costello has used all of their construction phase services for Phase 3D (Outer Loop Trail) although Mitchell & Morgan has stopped their billing at 70%. This overrun in construction phase services on Phase 3D is mainly due to:
  - A significant number of additional construction phase service hours were provided on this project including multiple unexpected trips from Houston to Bryan to troubleshoot field issues. These additional hours were not anticipated in the original scope of construction phase services.
  - The Outer Loop Trail (PH 3D) was originally intended to be a single set of construction plans. Over time due to the uncertainty of where the trail would be placed on the east side of Midtown Park Boulevard, the trail was split into multiple plan sets. These changes and uncertainties add to the design, administration, and construction phase services cost of a project to have multiple sets of plans.
- With this Contract Amendment, Mitchell & Morgan is requesting to reallocate the \$3,500 in construction phase services itemized for the lake structures to provide additional construction phase services for the Phase 3D (Outer Loop Trail) remaining bridges.
- There is no increase in total fee for Costello, Inc. services.

#### **Additional Funding Request:**

##### **Phase 8A – Connector Road "A" – Additional Design Services:**

In association with the extension of Connector Road "A", the City of Bryan has requested the design of approximately 253 additional parking spaces be added to the scope of services for Phase 8A.

- Mitchell & Morgan, LLP – Provide additional design and construction administration services associated with an additional 253 parking spaces, including associated sidewalks, ramps, and storm drain system. A professional services fee of \$154,000 is for these additional services. Attached are two construction cost estimates, one associated with Contract Amendment #7 (\$2,776,877) and the other with this Contract Amendment #9 (CA#9) (\$4,952,167). The construction cost associated with the design work for this CA#9 is the differential between these two cost estimates, or \$2,175,290.
- Burditt Consultants, LLC. – Provide landscape and irrigation design and construction phase services for the additional parking lots associated with the extension of Connector Road "A". A professional services fee of \$31,625 is for these additional services.
- Cleary Zimmermann – Provide additional parking lot lighting and security camera design services, revision of the original roadway layout/lighting, attend meetings, and provide construction phase services. A professional services fee of \$36,500 is for these additional services.
- Schultz Engineering, LLC. – Prepare sanitary sewer line plans and profile drawings, sidewalk/driveway pavement removal/replacement plan, and traffic control plan to upsize a downstream sanitary sewer line. A professional services allowance of \$7,150 is for these additional services.
- Mitchell & Morgan, LLP – Attend one-hour long bi-weekly coordination meetings with the City's future Boardwalk Design Consultant team and the design team members for the future Movie Bowl Grille development to coordinate the design and impacts pertaining to the extension of Roadway A. Mitchell & Morgan has allocated a total of 1-hour per meeting for 16 meetings beginning in December 2022 and ending in June 2023. A professional services fee of \$2,960 is for these additional services.
- Mitchell & Morgan, LLP – A sub-consultant management and coordination fee of \$6,774.75.

A professional services fee of **\$239,009.75** is for design services associated with the above scope. The design fee listed above is 7.5% of the preliminary cost estimate for this construction, which is \$3,185,582.00.

##### **Phase 3C – Contract 3 – Design Services:**

- Mitchell & Morgan, LLP. – Additional Rountree Drive Reconstruction. Provide additional design services to reconstruct Rountree Drive from the Astin Recreation Area driveway to South College Avenue. A professional services fee of \$6,800.00 is for these additional services.

A professional services fee of **\$6,800** is for design services associated with the above scope. The design fee listed above is 7.42% of the preliminary cost estimate for this construction, which is \$91,698.00.

##### **Phase 3D – Outer Loop Trail - Design Services:**

- Mitchell & Morgan, LLP – Redi-rock wall grading, profiling, and coordination with a supplier for the portion of trail located between the lake and Girl Scout House. The wall structural design and construction will be a requirement in the Contractor's scope of services. A professional service fee of **\$5,200** is for these additional services.
- Mitchell & Morgan, LLP – Culvert addition for St. Michael's storm drain. With the realignment of the Outer Loop Trail from along the Rountree Drive right-of-way to along the lake edge, Mitchell & Morgan needs to account for design elements to accommodate the storm outfall at the lake edge from St. Michael's. St. Michael's has a storm drain that crosses Rountree Drive and discharges within the park area approximately 70 feet upstream of the lake edge. The discharge has eroded an

area from the pipe outfall to the lake, which will likely need to be filled in and a culvert placed where the trail will go over this eroded area. A professional service fee of **\$800** is for these additional services.

Design Contract Amendment 9 brings the total design contract amount to \$4,230,499.30.

**Staff Analysis and Recommendation:**

Staff recommends approval of Design Contract Amendment 9 to the Mitchell & Morgan, LLP Design Contract for Bryan Midtown Park, City Job Number 572-D5-1814, in an amount not to exceed \$251,809.75.

**Options:**

1. Approve Design Contract Amendment 9.
2. Do not approve Design Contract Amendment 9 and provide direction to staff.

**Attachments:**

1. Design Contract Amendment 9
2. Supporting Information for Phase 8A "Roadway A"
3. Supporting Information for Phase 3C – Contract 3 "Rountree Reconstruction"
4. Supporting Information for Phase 3D – Contract 2 "Outer Loop Trail"

Attachment 1 - Design Contract Amendment 9.pdf (357 KB)

Attachment 2 - Ph8A\_Roadway A.pdf (1,975 KB)

Attachment 3 - Ph3C-3\_Rountree Reconstruction.pdf (94 KB)

Attachment 4 - Outer Loop Trail\_RediRock-StMichaels.pdf (93 KB)