

## Agenda Item Details

Meeting	Oct 10, 2023 - Bryan City Council Second Regular Meeting
Category	7. Regular Agenda - This agenda consists of items requiring individual consideration by Council.
Subject	B. Consider approval of proposed agreement for Design Build Services between the City of Bryan and SpawGlass Construction Corporation, Inc., for the construction of a Multipurpose Facility with Indoor Tennis Center in the Travis Bryan Midtown Park in the budgeted amount not to exceed \$17,000,000
Type	Action
Preferred Date	Oct 10, 2023
Absolute Date	Oct 10, 2023
Fiscal Impact	Yes
Dollar Amount	17,000,000.00
Budgeted	Yes
Budget Source	Texas A&M University System Annual License Fee and Bonds

### Summary:

Via the approved and executed Interlocal Agreement (ILA) with Texas A&M University System, City staff, in collaboration with Texas A&M University Athletics, initiated the Multipurpose Facility with Indoor Tennis Center design build process. The ILA was approved by the City Council on July 31, 2023, and fully-executed on August 8, 2023. Section 6.3 of said ILA states that the project completion date shall twenty-four (24) months from the commencement date (i.e., execution date).

The first step in the design build process was the issuance of a Request for Qualifications No. 23-051 (RFQ) for the design and construction (build) of the Multipurpose Facility with Indoor Tennis Center in Midtown Park. By the RFQ deadline, the City received five (5) responses from the following firms: Aggeland Construction, Colliers Construction, SpawGlass Construction, TF Harper Construction, and Vaughn Construction. A RFQ review team consisting of City staff and Texas A&M University Athletics reviewed the submittals and conducted interviews on September 13, 2023. After the interviews, the RFQ team unanimously selected SpawGlass Construction and decided to pursue a design/build contract with SpawGlass.

Since September 13th, City staff and SpawGlass representatives have negotiated the proposed contract for the City Council's consideration. The Midtown Park Playground and Legends Design/Build contracts were used as the model for this proposed agreement.

### Staff Analysis and Recommendation:

The proposed design/build contract has a construction budget of \$17,000,000. The attached proposed contract has multiple phases including: Pre-Construction, Design Development, Construction Documents, and Construction. The contract sets forth a Pre-Construction Phase Fee (total compensation payable to Contractor for the performance of Pre-Construction Phase Services) and shall be a lump sum amount based on the Amount Available for the Construction Contract (AAAC) established in contract. The contract also sets forth a Construction Phase Fee, which is the maximum amount payable to Contractor for any cost or profit expectation incurred in the performance of the Work that is not specifically identified as being eligible for reimbursement by City elsewhere in the Agreement. References in the Uniform General and Supplementary Conditions (UGC) to Contractor's "overhead" and "profit" mean Contractor's Construction Phase Fee.

At the conclusion of the Design Development phase, the Contractor shall prepare and submit a Guaranteed Maximum Price (GMP) Proposal to the City based on the Design Development phase documents and review comments. The GMP Proposal shall be delivered to the City within three (3) weeks of the Design Development review meeting or a date established by the City. The GMP Proposal must be prepared in accordance with the guidelines established by the City and delivered in the format specified by City in Exhibit "E" attached to this Agreement. The City, at its sole option and discretion, may specify different requirements for the GMP Proposal. The contractor shall not withdraw its Guaranteed Maximum Price Proposal for ninety (90) days following submission to City.

Based on Section 6.3 of the TAMU ILA having completion of the facility to be within twenty-four (24) months from the commencement date (i.e., execution date) of the ILA. City staff recommends approving the proposed Agreement for Design Build Services between the City of Bryan and SpawGlass Construction Corporation, Inc. for the design and construction (build) of the Multipurpose Facility with Indoor Tennis Center in the Travis Bryan Midtown Park in an amount not to exceed \$17,000,000.

Note: The \$17,000,000 budget does not include furniture, fixtures, and equipment (FF&E). Staff intends to work with Sports Facility Management (SFM) to procure FF&E, as SFM can use their national buying power to secure competitive pricing, similar to their function during the construction of the Legends Event Center. The SFM advisor/operator agreement is on this same agenda, with procurement services being one component of that contract.

### Options:

1. Approve the proposed Agreement.

2. Modify and then approve the proposed Agreement; this option may require additional negotiations with the firm and consideration at a future City Council meeting.
3. Do not approve the proposed Agreement.

**Attachments:**

1. Proposed Agreement for Design Build Services between the City of Bryan and SpawGlass Construction Corporation, Inc. for the construction of a Multipurpose Facility with Indoor Tennis Center in the Travis Bryan Midtown Park in an amount not to exceed \$17,000,000 is available for viewing in the City Secretary's Office.
2. City of Bryan Request For Qualifications #23-051

[RFQ#23-051 Design\\_Build for Multi-Purpose Facility with Indoor Tennis Center-Midtown Park.pdf \(6,599 KB\)](#)