

Agenda Item Details

Meeting	Nov 12, 2024 - 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	J. First Amendment to the Agreement for Design Build Services between the City of Bryan and SpawGlass Construction Corporation, Inc. for the design/construction of a Tennis Multipurpose Facility in the Travis Bryan Midtown Park
Type	Action (Statutory)
Preferred Date	Nov 12, 2024
Absolute Date	Nov 12, 2024
Fiscal Impact	Yes
Dollar Amount	18,250,000.00
Budgeted	Yes
Budget Source	Bond Funds
Goals	Quality of Life Economic Development

Summary:

On October 10, 2023, the City Council approved the Agreement for Design Build Services between the City of Bryan and SpawGlass Construction Corporation, Inc. for the purposes of designing and constructing the City's tennis multipurpose facility in Travis Bryan Midtown Park. Since October 2023, the contractor and City representatives have reviewed multiple schematic design plans in an effort to meet Texas A&M University's expectations and needs, while keeping the facility within budget.

The Design/Build Agreement is one of three current Agreements related to the facility. The other two agreements are: 1) an Interlocal Agreement (ILA) with Texas A&M University System (TAMUS), and 2) a combined Facility Management Agreement with Sports Facilities Management, LLC (SFM) for the operations and management of the facility and the Legends Event Center. At a future date, these other two agreements may need consideration by the City Council to amend certain aspects, such as the tennis multipurpose facility completion date. The ILA with TAMUS includes an annual \$675,000 payment from TAMUS to the City; the TAMUS annual payment amount is about one-half of the City's annual debt service of \$1.285MM. The ILA also includes the "Intended Use" of the facility allowing Texas A&M University (TAMU) to use the facility under certain conditions as addressed in Section 7 and Exhibit B of the ILA. Section 7.4 of the ILA states, "COB shall have exclusive use of the Facility for all times not scheduled in advance by TAMU or required to be used by TAMU due to a severe inclement weather event adversely affecting a regularly scheduled TAMU tennis team outdoor practice or scheduled outdoor NCAA match or Tournament."

The original Design Build Agreement has a construction budget of \$17,000,000, which contains within the scope multiple phases including: Pre-Construction, Design Development, Construction Documents, and Construction. Presently, the estimated cost for the design and construction of the facility is \$18,012,360, which includes an expanded parking area and related sitework estimate of \$1,051,285. That is, with the recommended expanded parking lot, the proposed budget has increased. The expanded parking area includes roughly 145 spaces, drive aisles, heavy duty concrete for a fire truck turnaround, landscaping, electrical, etc.

The original Agreement has a Substantial Completion date of August 8, 2025. Because of the extensive design review, the Substantial Completion date is shifted to June 28, 2026, subject to weather, supply chain, and other variables. The extended Substantial Completion date also is contingent upon a notice to proceed (NTP) date of February 19, 2025.

The purpose of this Council Action Form is for the City Council to consider an Amendment to the Design/Build Agreement to address two topics: 1) an increased budget, and 2) a revised Substantial Completion date. The amended budget amount is proposed at \$18,250,000, which includes the expanded parking area. The additional parking is recommended as it overlays a portion of the current temporary lot. The temporary lot is used on a regular basis for overflow parking to complement parking at the Legends Event Center and the Satellite Parking Lot. That is, for large and/or multiple events, additional parking is needed to accommodate visitors and guests to the Legends Event Center and other events in Midtown Park. The revised substantial completion date addresses the extensive schematic design process to keep the project within budget, while meeting the needs of Texas A&M.

Staff Analysis and Recommendation:

At the conclusion of the Design Development phase, the Contractor will submit a Guaranteed Maximum Price (GMP) Proposal to the City based on the design phase documents. The GMP Proposal will be in accordance with the guidelines established by the City and delivered in the format specified by City in Exhibit "E" attached to the original Agreement. Based on the current design estimate, the expectation is the GMP will be within the amended budget amount.

Based on the latest information, the current design (including the additional parking), and the contractor's review of market costs, City staff recommends approving the Amendment to the Design Build Agreement. The proposed Amendment increases the funding from \$17,000,000 to \$18,250,000 (inclusive of the additional parking) and extends the project Substantial Completion date from August 8, 2025, to June 28, 2026, subject to weather, supply chain, and other variables. While City-issued Bond Funds are the funding source for the design build project, the ILA with the TAMUS includes an annual payment from TAMUS to the City in the amount of \$675,000 for the term of the ILA, which is a thirty (30) year term.

Note: The design/build budget does not include furniture, fixtures, and equipment (FF&E), which will be a City expense similar to the operations and maintenance of the facility. 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.

Options:

1. Approve the First Amendment to the Agreement for Design Build Services between the City of Bryan and SpawGlass Construction Corporation, Inc. for the design/construction of a Tennis Multipurpose Facility in the Travis Bryan Midtown Park
2. Modify and then approve the First Amendment to the Agreement for Design Build Services between the City of Bryan and SpawGlass Construction Corporation, Inc. for the design/construction of a Tennis Multipurpose Facility in the Travis Bryan Midtown Park; this option may require additional negotiations with the firm, further discussions with Texas A&M, and consideration at a future City Council meeting
3. Do not approve the First Amendment to the Agreement for Design Build Services between the City of Bryan and SpawGlass Construction Corporation, Inc. for the design/construction of a Tennis Multipurpose Facility in the Travis Bryan Midtown Park and provide staff direction

Attachments:

1. Proposed First Amendment to the Agreement for Design Build Services between the City of Bryan and SpawGlass Construction Corporation, Inc. for the design/construction of a Tennis Multipurpose Facility in the Travis Bryan Midtown Park
2. Original Agreement for Design Build Services between the City of Bryan and SpawGlass Construction Corporation, Inc. for the design/construction of a Tennis Multipurpose Facility in the Travis Bryan Midtown Park
3. Current design schematics (select images)

[FirstAmendment_MultiTennis_SpawGlass_Agreement_2024 SG Executed.pdf \(432 KB\)](#)

[2023_DB_MultiTennis_Contract.pdf \(7,161 KB\)](#)

[2024_MultiTennis_Design.pdf \(13,125 KB\)](#)