



Meeting Date: January 30, 2025 **Agenda Type:** Consent Items for Action

From: Jacob Tschoepe **Reviewed by:** Nancy Pappas
Program Portfolio Manager Managing Director Headwaters at the Comal

Submitted by: Dawn Schriewer **Approved by:** Ryan Kelso
Chief Financial Officer Chief Executive Officer

RECOMMENDED ACTION: Authorize the CEO or His Designee to Execute AIA Document A133 - Guaranteed Maximum Price Amendment No. 5 with Thos. S. Byrne, Inc. for the Headwaters at the Comal Master Plan, Phase 2 for the Klingemann Parking Lot

BACKGROUND

On March 31, 2016, the New Braunfels Utilities (“NBU”) Board approved a Construction Manager at Risk Contract (“CMAR”) contract with Thos. S. Byrne, Inc. (“Byrne”) for the construction of the Comal Springs Conservation Center, now called the Headwaters at the Comal. The Guaranteed Maximum Price (“GMP”) amendment to the CMAR for Phase One of the Master Plan was completed within the GMP of \$5,600,000.00.

On February 23, 2023, the NBU Board approved the execution of an amendment to the CMAR contract for Phase Two of the Master Plan to include site work and the building envelope. The original amount of that amendment was \$5,406,714.00. Due to a delay in the execution of the contract not in Byrne's control, NBU staff requested at the June 27, 2024, Board meeting approval of a change order totaling \$154,644.00. This would bring the total of GMP #2 to \$5,561,358.00. Also approved at the June 27, 2024, Board Meeting was GMP #3, totaling \$1,862,485.00, for additional scope of work for the exterior of the building. On October 31, 2024, the NBU Board approved the execution of GMP #4, totaling \$4,344,513.00, for the building interior finish out and additional landscaping.

The Headwaters at the Comal has secured additional funding for the Klingemann Parking Lot. The scope of work includes, but is not limited to, construction of the Klingemann Parking Lot, sidewalks, and roadway improvements. This is being referred to as GMP #5. The total cost impact of GMP #5 is \$1,108,860.00.

NBU Staff requests the Board approve the GMP #5 with Byrne for the project.

This item is being presented to the Board because the total amount of the contract exceeds \$250,000.00.

FINANCIAL IMPACT

The financial impact to NBU for GMP #5 is \$1,108,860.00 This is being budgeted from the NBU Fiscal Year 2025 capital budget. The Headwaters is eligible for TCEQ funding up to \$400,000.00 and should the Headwaters receive the funding, it would be reallocated towards the total project cost, up to the amount received. The TCEQ funds expire on August 31, 2025.

LINK TO STRATEGIC PLAN

Stewardship

EXHIBITS

1. A133 Exhibit A-2019-1660 Klingemann Parking Lot
2. A133 Exhibit B Cost Estimate and Clarifications
3. A133 Exhibit C Contract Documents