



Meeting Date: June 27, 2024 **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 CEO or His Designee to Execute a Change Order to the Guaranteed Maximum Price Amendment with Thos. S. Byrne, Inc. for the Headwaters at the Comal Master Plan, Phase 2 Sitework and Envelope

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. Phase One of the Master Plan was completed within the Guaranteed Maximum Price (“GMP”) amendment limit 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. During the construction, there were delays in the archeological permits and inspections. The project was delayed eighty-four days. This led to additional costs for Byrne in their General Conditions, totaling \$154,644.00. This cost was derived by taking the General Conditions cost per day of \$1,841.00 for the eighty-four days. Further itemization of these costs can be found in the attached exhibit.

NBU Staff requests the Board approve the Change Order for the additional General Conditions costs 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 phase two was \$4,000,000.00 for the project. The community, through the Headwaters at the Comal, reimbursed NBU the \$1,406,714.00 through grants and donations. This \$154,644.00 is being funded from additional grants and donations from the community.

LINK TO STRATEGIC PLAN

Stewardship

EXHIBITS

1. G701-2017 – 1660 NBU Change Order #001
2. 1660 NBU Headwaters Phase 2 PCCO #002 – Schedule Impact 01