



**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 the CEO or His Designee to Execute a Guaranteed Maximum Price Amendment with Thos. S. Byrne, Inc. for the Headwaters at the Comal Master Plan, Phase 2 for Additional Site Improvements and Fencing

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## **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.

The Headwaters at the Comal has secured additional funding from the community and has worked with Byrne to prepare an additional scope of work for the exterior of the building. The scope of work includes concrete bench and bike rack footings, both steel and swale retaining walls to include drains and backfill, site and envelope light fixtures, fence piers, irrigation, stormwater utility, and cisterns tanks. This is being referred to as GMP #3. The total cost impact of GMP #3 is \$1,862,485.

NBU Staff requests the Board approve the GMP #3 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**

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The financial impact to NBU for GMP #3 to NBU is \$0.00 The \$1,862,485.00 for this GMP is being funded from additional grants and donations from the community to the Headwaters at the Comal.

## **LINK TO STRATEGIC PLAN**

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### **Stewardship**

## **EXHIBITS**

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1. A133 ExhibitA-2019-1660 Additional Site Improvements
2. A133 Exhibit B Cost Estimate and Clarifications
3. A133 Exhibit C Contract Documents
4. Headwaters at the Comal Statement of Financial Position