



Meeting Date: August 28, 2025

Agenda Type: Consent Items for Action

From: Jill Barney
Project Manager

Reviewed by: Nancy Pappas
Managing Director, Headwaters
at the Comal

Submitted by: Ragan Dickens
Chief Communications
Officer

Approved by: Ryan Kelso
Chief Executive Officer

RECOMMENDED ACTION: Authorize the CEO or His Designee to Execute AIA Document A133 – 2019 Exhibit A Guaranteed Maximum Price Amendment No. 6 with Thos. S. Byrne, Inc. for the Headwaters at the Comal Master Plan, Phase 3, for the Completion of the Master Plan

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. On January 30, 2025, the NBU Board approved the execution of GMP #5 for the Klingemann Parking Lot.

New Braunfels Utilities has included funding for the final phase of the Project in Fiscal Year 2026 and Fiscal Year 2027 capital budgets. The scope of work includes, but is not limited to, renovation of existing structures, sitework, and the site improvement components listed in Exhibit C – Contract Documents List. This is being referred to as GMP #6. The total cost impact of GMP #6 is \$10,932,472.00.

NBU Staff requests the Board approve the GMP #6 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 total financial impact to NBU for GMP #6 is \$10,932,472.00. This is being budgeted from the NBU Fiscal Year 2026-2027 Capital Budget.

LINK TO STRATEGIC PLAN

Stewardship

EXHIBITS

1. A133 Exhibit A-2019-1660 Phase III
2. A133 Exhibit B Cost Estimate and Clarifications
3. A133 Exhibit C Contract Documents