



Meeting Date: February 29, 2024 **Agenda Type:** Consent Items for Action

From: Emeka Esomeju **Reviewed by:** Jacob Tschoepe
Project Manager Program Portfolio Manager

Submitted by: Shawn Schorn **Approved by:** Ryan Kelso
Director of Business Planning Chief Executive Officer

RECOMMENDED ACTION: Authorize CEO or His Designee to Negotiate and Execute an AIA Design Build Amendment to the AIA Agreement with SpawGlass Contractors, Inc., for the New Braunfels Utilities Annex Facility Renovation Design Build Guaranteed Maximum Price

BACKGROUND

On December 14, 2023, the New Braunfels Utilities (“NBU”) Board of Trustees approved an AIA Agreement (the “Agreement”) with SpawGlass Contractors, Inc. (“SpawGlass”) for the NBU Annex Facility Renovation Project (the “Project”). The Project scope includes but is not limited to (i) paving repairs and related improvements, (ii) site lighting improvements; (iii) miscellaneous site improvements related to fencing, landscaping and irrigation; (iv) building façade, roof and signage improvements; (v) interior remodeling; (vi) finish improvements; (vii) electrical improvements; (viii) mechanical work; (xi) plumbing; and (x) furniture and fixtures.

To authorize SpawGlass to begin work on the Project, NBU and SpawGlass desire to amend the Agreement to include a Guaranteed Maximum Price (“GMP”) for completing the Project and add specific costs for each improvement defined in the scope. (the “First Amendment”).

NBU staff requests that the Board approve the First Amendment to the Agreement with SpawGlass for the Project.

This item is being presented to the Board because it modifies the Agreement beyond the parameters the Board previously approved.

FINANCIAL IMPACT

The financial impact of the First Amendment to the Agreement is \$2,000,000. The GMP for the Project is the same as the amount that was approved in the Agreement, for a total financial impact for the Project of \$2,300,000, as the Agreement included a \$300,000 contingency. The Project is budgeted within the Fiscal Year 2024 Board approved Capital Improvement Projects Budget.

LINK TO STRATEGIC PLAN

Customers and Community

People and Culture

Safety and Security

EXHIBITS

1. A133 2019 – Guaranteed Maximum Price (GMP) Amendment
2. Phased Cost Estimate Summary Sheet
3. Contract Documents