



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/2/2022

District K

Item Creation Date: 12/15/2021

25CONS497 – Appropriate Additional Funds to Construction Manager at Risk Contract

SpawGlass Construction Corp. Westbury Library (New)

Agenda Item#: 23.

Background:

RECOMMENDATION: Appropriate additional funds for construction.

SPECIFIC EXPLANATION: On January 29, 2020, by Ordinance No. 2020-0082, City Council awarded a Construction Manager at Risk (CMAR) Contract to SpawGlass Construction Corp., to provide pre-construction and construction phase services for the new Westbury Neighborhood Library, and appropriated \$40,000.00 for pre-construction phase services.

On June 17, 2020, by Ordinance No. 2020-0537, City Council appropriated an additional \$14,507,750.00 to the Construction Manager at Risk (CMAR) Contract with SpawGlass Construction Corp., to provide construction phase services for the new Westbury Neighborhood Library.

The COVID-19 pandemic has caused construction cost escalations in roofing, structural steel, and furniture due to labor shortage, manufacturing production, and delays in raw material transportation. The project is currently in design and needs additional funding to cover these cost escalations. The General Services Department recommends that City Council appropriate an additional sum of \$1,092,074.00 to the CMAR contract with SpawGlass Construction Corp. for pre-construction and construction phase services.

PROJECT LOCATION: 5505 Belrose Drive, Houston, TX 77035

PROJECT DESCRIPTION: The new Westbury Library will combine the service areas of the Meyer Neighborhood Library and the Frank HPL Express Library. The replacement facility will be an approximately 20,000 SF library which will include a TECHLink concept, meeting and conference spaces, adult quiet space, teen's area, children's area, public computers, and adequate staff space. Site improvements will include landscaping, parking, storm water detention, fencing and exterior lighting.

The project will incorporate the LEED™ (Leadership in Energy and Environmental Design) Green Building Rating System for New Construction (LEED-NC).

The design consultant is BRAVE / Architecture, Inc.

FUNDING SUMMARY: It is recommended that City Council appropriate additional funds for pre-construction and construction phase services.

\$ 25,000.00	Pre-Construction Cost
\$ 996,692.50	Construction Cost (Estimated)
\$ 52,457.50	5% Contingency (Estimated)
\$ 1,074,150.00	Total Estimated Construction Services
\$ 17,924.00	Civic Art (1.75%)
\$ 1,092,074.00	Total Funding

CONSTRUCTION GOALS: An 18% MBE goal and 10% WBE goal have been established for the construction phase of this contract. The construction manager will submit the list of proposed certified sub-contractors with the issuance of the GMP proposal.

FISCAL NOTE: Funding for this item will be included in the FY2023 Budget.

Capital Project Information: See the attached Form A for a breakdown of capital costs.

Estimated Fiscal Operating Impact

Project	FY22	FY23	FY24	FY25	FY26	FY20-FY24 Total
Westbury Neighborhood Library (New)	0	\$50,000	\$50,000	\$50,000	\$50,000	\$200,000
WBS No: E-000262-0001-4						

DIRECTOR'S SIGNATURE/DATE:

DocuSigned by:
C.J. Messiah, Jr. 1/13/2022

C. J. Messiah, Jr.
 General Services Department

DocuSigned by:
Rhea Lawson 1/19/2022

Rhea Brown Lawson, Ph.D.
 Houston Public Library

DS
 SC

Prior Council Action:

Ordinance No. 2020-0082; January 29, 2020
 Ordinance No. 2020-0537; June 17, 2020

Amount and Source of Funding:

\$1,092,074.00 – Public Library Consolidated Construction Fund (4507)

Previous Funding:

\$14,547,750.00 – Public Library Consolidated Construction Fund (4507)

Contact Information: DS
EH

Enid M. Howard
 Council Liaison
 Phone: 832.393.8023

ATTACHMENTS:

Description	Type
<u>25CONS497 - Maps</u>	Backup Material
<u>25CONS497 - Previous RCAs & Ordinances</u>	Backup Material
<u>25CONS497 - Tax Delinquent</u>	Backup Material
<u>Form A</u>	Financial Information

Controller's Office

To the Honorable Mayor and City Council of the City of Houston, Texas:

I hereby certify, with respect to the money required for the contract, agreement, obligation or expenditure contemplated by the ordinance set out below that:

- () Funds have been encumbered out of funds previously appropriated for such purpose.
- () Funds have been certified and designated to be appropriated by separate ordinance to be approved prior to the approval of the ordinance set out below.
- () Funds will be available out of current or general revenue prior to the maturity of any such obligation.
- () No pecuniary obligation is to be incurred as a result of approving the ordinance set out below.
- () The money required for the expenditure or expenditures specified below is in the treasury, in the fund or funds specified below, and is not appropriated for any other purposes.
- () A certificate with respect to the money required for the expenditure or expenditures specified below is attached hereto and incorporated herein by this reference.
- () Other - Grant Funds Available

[Handwritten Signature]
Lemuel Holt

City Controller of the City of Houston, Texas

Date: 2-1, 2022

4507-3400-520126-520140
520755

FR 3-5669
3-0386

FUND REF: _____ AMOUNT: 1,092,074.00 ENCUMB. NO.:

[Handwritten] 0A 46-15884
FM93 2-31640

City of Houston, Texas Ordinance No. 2022-78

AN ORDINANCE APPROPRIATING ADDITIONAL FUNDS IN THE AMOUNT OF \$1,092,074.00 FROM THE PUBLIC LIBRARY CONSOLIDATED CONSTRUCTION FUND TO THE CONSTRUCTION MANAGER AT RISK CONTRACT BETWEEN THE CITY OF HOUSTON AND SPAWGLASS CONSTRUCTION, CORP. FOR PRE-CONSTRUCTION AND CONSTRUCTION PHASE SERVICES FOR THE NEW WESTBURY LIBRARY (APPROVED BY ORDINANCE NO. 2020-0082); PROVIDING FUNDING FOR CIVIC ART, AND CONTINGENCY, FINANCED BY THE PUBLIC LIBRARY CONSOLIDATED CONSTRUCTION FUND; CONTAINING PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

* * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. The City Council hereby appropriates the sums of money set out in the title of this Ordinance out of the respective funds set out in such title, as follows: **\$1,021,692.50** is appropriated for pre-construction and construction phase services; **\$52,457.50** is appropriated for contingency; and **\$17,924.00** is appropriated for civic art.

Section 2. There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 2nd day of February, 2022.

APPROVED this _____ day of _____, 2022.

Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is FEB 08 2022.

Asst. J. H. Smith
City Secretary

(Prepared by Legal Dept. Carmen M. [Signature])
(CRC:yjs 01-21-2022) Sr. Assistant City Attorney
(Requested by C.J. Messiah, Jr., Director, General Services)
(L.D. File No. 0332200006001)

Meeting 2/02/2022

Aye	No	
✓		Mayor Turner
....	Council Members
✓		Peck
✓		Jackson
✓		Kamin
✓		Evans-Shabazz
✓		Martin
✓		Thomas
✓		Huffman
✓		Cisneros
✓		Gallegos
✓		Pollard
Absent		Castex-Tatum
✓		Knox
✓		Robinson
✓		Kubosh
Plummer absent on personal business		Plummer
✓		Alcorn
Caption	Adopted	

Captions Published in DAILY COURT REVIEW

Date: 2/8/2022

CERTIFICATE OF CITY CONTROLLER

I, Chris Brown, City Controller of the City of Houston, Texas, pursuant to Article II, Section 19a of the Charter of the City of Houston, with respect to the sum of **\$1,092,074.00** required for the project referenced in the title of this ordinance, do hereby certify as follows:

- (1) The sum of **\$1,092,074.00** will be funded from public improvement bond proceeds and/or public improvement commercial paper proceeds (first-in-first-out basis) pursuant to Ordinance No. 94-405 authorizing the creation of the **Public Library Consolidated Construction Fund**. To the extent that this sum will be paid with bond proceeds, it is in the treasury in the said fund, and is not appropriated for any other purpose.

- (2) To the extent that the **\$1,092,074.00** will be paid by commercial paper proceeds, funds will be received into the treasury and available before the maturity of said obligation, and such anticipated funds have not already been appropriated for any other purpose. Such sum will be received as a cash draw(s) to the City of Houston pursuant to the General Obligation Commercial Paper Ordinance, Ordinance No. 93-1149.


City Controller *General Public*