

ORDINANCE 2021-11-18-0866

APPROVING AN AMENDMENT IN THE INCREASED AMOUNT OF \$270,220.00 TO THE PROFESSIONAL SERVICES AGREEMENT WITH THE SWA GROUP FOR ADDITIONAL LANDSCAPE ARCHITECTURAL DESIGN SERVICES FOR THE BRACKENRIDGE PARK PROJECT. FUNDS ARE AVAILABLE FROM THE 2017 - 2022 GENERAL OBLIGATION BOND PROGRAM AND ARE INCLUDED IN THE FY 2022 - FY 2027 CAPITAL IMPROVEMENT PROGRAM.

* * * * *

WHEREAS, on May 6, 2017, the City approved the 2017 Bond Program, which authorized \$7,750,000.00 for improvements to Brackenridge Park located in Council Districts 1 and 2; and

WHEREAS, The Brackenridge Park project will provide for the following:

- Rehabilitation and reconstruction of historic Lambert Beach River walls, retaining walls and stairs
- Rehabilitation of Pumphouse interior and exterior
- Excavation and construction to reveal pumphouse arches
- Construction of a small culture trail and open space for small events
- Rehabilitation of the historic acequia
- Engineering improvements to a lily pond
- Removal of asphalt area between acequia and zoo back-of-house
- Construction of a Hike & Bike trail along zoo fence to maintain access
- Excavation and rehabilitation of the historic Upper Labor Dam
- Interpretive and wayfinding signage
- Lighting improvements
- Installation and interpretation of the historic St. Mary's sluice

WHEREAS, supplemental funding commitments separate from the Parks and Recreation Department, Bexar County, The San Antonio Conservation Society and the Brackenridge Park Conservancy have totaled approximately \$4,650,000.00, which has allowed additional scope of work to be added; and

WHEREAS, the previously executed Professional Services Agreement with the SWA Group in the amount of \$1,097,700.00 was approved by City Council on October 5, 2017, through Ordinance 2017-10-05- 0742; and

WHEREAS, a previously executed agreement with Don Durden, Inc. dba Civil Engineering Consultants (CEC) for design and construction phase services for the Roosevelt Avenue (US Hwy 90 to Southeast Loop 410) project in the amount of \$2,107,062.54 was approved by City Council on October 5, 2017 through Ordinance 2017-10-05-0742 these amendments have increased this contract by \$73,221.23 to a total of \$2,180,283.77; and

WHEREAS, this amendment to the Professional Services Agreement with the SWA Group is for additional landscape architectural design services associated with the design, bid, construction phase and other related services required for the added scope of work associated with the Brackenridge Park project; and

WHEREAS, previous amendments have increased this contract by \$135,735.00 to a total of \$1,233,435.00, now this amendment will increase the contract by \$270,220.00 to a revised total contract amount of \$1,503,655.00; and

WHEREAS, the additional design and construction are anticipated to begin October 2021 and is anticipated to be completed upon project construction in May 2024; and

WHEREAS, this Ordinance approves the execution of an amendment in the increased amount of \$270,220.00 to the Professional Services Agreement with the SWA Group for additional landscape architectural design services associated with the design, bid, construction phase and other related services required in relation to the Brackenridge Park project; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager, or designee, is authorized and directed to execute an amendment in an increased amount not to exceed \$270,220.00 to the Professional Services Agreement with SWA Group for the Brackenridge Park project. Funds are available from the 2022 - 2027 General Obligation Bond Program and are included in the FY 2022 - FY 2027 Capital Improvement Program. A copy of the Professional Services Agreement is attached as **Exhibit I**.

SECTION 2. Payment is authorized to be encumbered and made payable to the SWA Group in an amount not to exceed \$270,220.00. Payment is in support of the Brackenridge Park 2017 Project using Fund 45099000 with the WBS element 23-01644-01-02-01 and GL account 5201170. Funding for this project is provided by GO Bonds and is in the FY2022-FY2027 CIP Budget.


Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance shall be effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

DBS
11/18/21
Item No. 18


PASSED and APPROVED this 18th day of November, 2021.


M A Y O R
Ron Nirenberg

ATTEST:


Debbie, Racca-Sittre Acting City Clerk

APPROVED AS TO FORM:


Andrew Segovia, City Attorney



City of San Antonio

City Council Meeting November 18, 2021

18.

2021-11-18-0866

Ordinance approving an amendment in the increased amount of \$270,220.00 to the Professional Services Agreement with the SWA Group for additional landscape architectural design services for the Brackenridge Park project. Funds are available from the 2017 - 2022 General Obligation Bond Program and are included in the FY 2022 - FY 2027 Capital Improvement Program. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Cabello Havrda seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Courage, Perry

Absent: Sandoval, Pelaez

EXHIBIT I

Amendment to PSA

**AMENDMENT
TO
PROFESSIONAL SERVICES AGREEMENT
FOR ADDITIONAL SERVICES FOR THE
BRACKENRIDGE PARK
PROJECT
PROJECT NUMBER: 23-01644**

This amendment to the Professional Services Agreement for Additional Scope of Services for the Brackenridge Park Project authorized by **Ordinance No. 2021-_____**, is entered into by and between the **City of San Antonio ("City")**, a home rule municipal corporation, and **SWA Group ("Consultant")**, referred to collectively herein as the "Parties".

WHEREAS, On October 10, 2017, City Council approved Ordinance No. 2017-10-05-0742 that authorized a contract with SWA Group in a not to exceed amount of \$1,097,700.00 for Landscape Architectural Design Brackenridge Park Project through the 2017-2022 Bond Program with the original scope included landscape architectural services. ("Original Agreement"); and

WHEREAS, during the design development phase of work, the project area and construction budget were expanded to accommodate new visions by the Parks Department and the Brackenridge Park Conservancy; and

WHEREAS, previous amendments have increased this contract by \$135,735.00 to a total of \$1,233,435; and

WHEREAS, the project requires additional scope items to include: extension of Raceway to face of Pump House, pedestrian bridge over Raceway, picnic area south of Raceway, restoration of Asequia walls, structural stabilization of all historic walls, addition of historic Sluice Gate, restoration of Civil War Era portion of the dam, and construction documents in the increased amount not to exceed **\$270,220.00**; and

WHEREAS, it is necessary to amend the Original Agreement to add additional scope, construction documents, and construction administration of the project; and

WHEREAS, this amendment increases the total contract capacity by **\$270,220.00** to provide for the cost of the additional services and increase contract values not to exceed **\$1,503,655.00**;

NOW THEREFORE, in consideration of the terms, covenants, agreements and demises herein contained each to the other given, the sufficiency and receipt of which are hereby acknowledged, the Original Agreement, as previously amended, is amended as follows:

1. **Exhibit 1 - Fee Summary.** The not-to-exceed contract amount set out in Exhibit 1 – Fee Summary of the Original Agreement is hereby

increased by **TWO HUNDRED SEVENTY THOUSAND TWO HUNDRED TWENTY DOLLARS (\$270,220.00)** for a total not-to-exceed contract amount of **ONE MILLION FIVE HUNDRED THREE THOUSAND SIX HUNDRED FIFTY-FIVE AND 00/100 DOLLARS (\$1,503,655.00).**

2. **Exhibit A.** The Brackenridge Park Improvements Additional Fee Request #6 proposal attached hereto as Attachment 1 is hereby incorporated into and made a part of Exhibit A of the Original Agreement.

Except as amended hereby, all other provisions of the Agreement are hereby retained in their entirety and remain unchanged.

EXECUTED and **AGREED** to as of the dates indicated below.

CITY OF SAN ANTONIO

SWA Group

(Signature)

Razi Hosseini

Director,

Public Works Department

Date: _____

(Signature)

Printed Name: KINDER BAUMGARDNER

Title: MANAGING PRINCIPAL

Date: 9. Sept. 2021

Approved as to Form:

Assistant City Attorney

ATTACHMENT 1
The Brackenridge Park Improvements Additional Fee Request #6 signed proposal

SWA Houston

The Jones on Main
712 Main Street, 6th Floor
Houston, Texas
77002
+1.713.868.1676
www.swagroup.com

2 September 2021

Jamaal Moreno, PLA
Transportation & Capital Improvements (TCI)
City of San Antonio
PO Box 839966
San Antonio, TX 78283

Subject: Brackenridge Park Improvements
Additional Fee Request #6

Dear Jamaal:

This letter is in response to Additional Services requested by the City of San Antonio associated with our ongoing work at Brackenridge Park and will serve as SWA's formal request for a Contract Amendment associated with expanding our construction document scope of work to fully capture the latest project area, site features, and construction budget.

AMENDED SCOPE: During the Design Development phase of work, the project area and construction budget were expanded to accommodate a variety of new features envisioned by the Parks Department and the Brackenridge Park Conservancy. In an effort to maintain the Design Development schedule, SWA agreed to address the additional fee request during the Construction Document step of work. Additional scope items covered by this request include:

- Extension of Raceway to face of Pump House
- Pedestrian Bridge over Raceway
- Picnic Area South of Raceway
- Restoration of Asequia Walls
- Structural Stabilization of all Historic Walls
- Addition of Historic Sluice Gate
- Restoration of Civil War Era Portion of Dam
- The construction documents may be developed as two separate packages based on funds available for construction.

CONSTRUCTION COST: The construction cost of the project has been increased to \$11,665,000 (including bonds and general conditions the total is \$12,437,000).

FEES: This Additional Fee Request #6 is for \$270,220.00 to complete the expanded Basic Services scope of work associated with the increased construction budget. This fee has been calculated by applying a 12.3% fee to the \$11,665,000 construction budget and then deducting previously negotiated Additional Fees that were associated with Basic Services (Additional Fee Requests #4 and #5 are deducted from the calculated total fee). The 12.3% fee is based on Exhibit D in the original RFQ for the project.

Original Contract Value	\$1,097,700
Additional Fee Request #1 (approved)	\$15,005
Additional Fee Request #2 (approved)	\$53,830

swa

Additional Fee Request #3 (approved)	\$11,690
Additional Fee Request #4 (approved)	\$49,730
Additional Fee Request #5 (approved)	\$5,480
<u>Additional Fee Request #6</u>	<u>\$270,220</u>
Revised Contract Amount	\$1,503,655

ALLOCATION OF FEES:	CURRENT FEE	PERCENT	REVISED FEE
Construction Documents	\$340,000		\$542,670
Bidding	\$55,000	5%	\$68,550
Construction Administration	\$225,000	20%	\$279,000

(NOTE: The construction phase of the project may be completed in multiple phases of development. The fees associated with Construction Administration will be adjusted once the scope of the first phase of construction is understood. Depending on the complexity and timing of the second phase of construction additional fees may be negotiated at a future date.)

Attached to this letter is a copy of Exhibit D from the City of San Antonio RFP for this project.
If you have any questions, please do not hesitate to contact me directly.

Kind Regards,



Kinder Baumgardner
Managing Principal
SWA | Houston