

RESOLUTION NO. {{item.sequential_number}}

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NUMBER FIVE TO THE CONSTRUCTION MANAGER-AT-RISK AGREEMENT WITH SPAWGLASS CONSTRUCTION CORPORATION OF HOUSTON, TEXAS FOR REPAIRS AND IMPROVEMENTS TO THE TIPPING FLOOR PIT EDGES OF THE SOLID WASTE COMPLEX TRANSFER BUILDING IN THE ESTIMATED AMOUNT OF \$134,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this item will provide for the construction of needed repairs and improvements to the Solid Waste Complex Transfer Building tipping floor pit edges - the Transfer Building went into operation in June 2023, and the design and workmanship issues related to the pit issues started surfacing five months after the facility went into operation;

Whereas, City Staff has reviewed the issues with SpawGlass Construction Corporation (SpawGlass) and MRB Group, the design consultant of the project, but to date, financial responsibility for the issues has not been clearly defined and agreed to by SpawGlass, MRB Group, and City Staff - to stop continued degradation of the issue, Staff is recommending that repairs to the wall be made as soon as possible with final resolution of assignment of financial responsibility to be forthcoming;

Whereas, on December 2, 2021, Council authorized a construction manager-at-risk (CMAR) guaranteed maximum price contract with SpawGlass for the construction of a new Solid Waste Complex in the amount of \$11,273,132;

Whereas, on September 15, 2022, Council authorized Change Order No. 1 in the amount of \$323,412; on March 2, 2023, Council authorized Change Order No. 2 in the amount of \$358,321; on April 20, 2023, Council authorized Change Order No. 3 in the amount of \$109,929.04; and on October 17, 2023, Change Order No. 4 in the amount of -\$10,198.51;

Whereas, with the execution of this change order, the value of the CMAR Agreement will increase to \$12,188,595.53 and cumulative change orders will total \$915,463.53, 8.1 percent of the original contract value - a CMAR agreement is a cost reimbursement-based agreement, so if the final construction cost is less than \$12,188,595.53, any savings will be retained by the City;

Whereas, work is expected to be complete within two months from the Notice to Proceed;

Whereas, Staff recommends Council authorize Change Order No. 5 to the CMAR Agreement with SpawGlass for repairs and improvements to the tipping floor pit edges of the Solid Waste Complex Transfer Building in the estimated amount of \$134,000;

Whereas, funding for this change order in the amount of \$134,000 is available in Project No. 102298, as follows:

	351-2300-540-6824
	361-2300-540-6824
	365-2300-540-6824
Project Budget	\$ 14,192,515
Budget Adjustment	-
Encumbered/Committed to Date	(14,047,515)
SpawGlass Construction	(134,000)
Remaining Project Funds Available	\$ 11,000

Whereas, the City anticipates receiving reimbursement for the majority of the cost from MRB Group and SpawGlass; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes Change Order No. 5 to the Construction Manager-at-Risk Agreement with SpawGlass Construction Corporation of Houston, Texas for repairs and improvements to the tipping floor pit edges of the Solid Waste Complex Transfer Building in the estimated amount of \$134,000, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney's Office, to execute any necessary documents.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 15th day of May, 2025.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Jana Lewellen
City Secretary

Kathryn H. Davis
City Attorney