



COUNCIL AGENDA ITEM MEMORANDUM

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of General Services
Austin Maxwell, Construction Services Division Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing change order #5 to the construction manager-at-risk agreement with SpawGlass Construction Corporation of Houston for repairs and improvements to the tipping floor pit edges of the Solid Waste Complex Transfer Building in the estimated amount of \$134,000.

BACKGROUND: Authorization of change order #5 to the construction manager-at-risk (CMAR) agreement with SpawGlass Construction Corporation (SpawGlass) for the new Solid Waste Complex in the estimated amount of \$134,000 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 & workmanship issues related to the pit issues started surfacing five months after the facility went into operation. City Staff has reviewed the issues with 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.

On December 2, 2021, Council authorized a construction manager-at-risk guaranteed maximum price contract with SpawGlass for the construction of a new Solid Waste Complex in the amount of \$11,273,132. On September 15, 2022, Council authorized change order #1 in the amount of \$323,412; on March 2, 2023, Council authorized change order #2 in the amount of \$358,321; on April 20, 2023, Council authorized change order #3 in the amount of \$109,929.04; and on October 17, 2023, change order #4 in the negative amount of (\$10,198.51). With the execution of change order #5, the value of the CMAR agreement will increase to \$12,188,595.53 and cumulative change orders will total \$915,463.53, 8.1% 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.

Work is expected to be complete within two months from Notice to Proceed.

ALIGNMENT WITH ADOPTED PLANS:

Plan	Comments
Strategic Plan	This item supports the City of Temple's Strategic Plan goal of "Infrastructure, facilities, and systems that support exceptional services and community growth;" the Strategic Plan commitment of "Plan for, design, construct, and maintain high quality facilities that meet the needs of the community now and in the future;" and the initiative to "Construct a new Solid Waste Complex and update the recycling drop-off centers."

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

BOARDS & COMMISSIONS RECOMMENDATION: This item was not reviewed by any of the official boards and commissions.

FISCAL IMPACT: Funding for change order #5 to the Construction Manager-at-Risk Agreement with SpawGlass Construction for pit repairs at the Solid Waste Complex Transfer Building in the amount of \$134,000 is available in project 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

The City anticipates receiving reimbursement for the majority of the cost from MRB Group and SpawGlass.

ATTACHMENTS:
Resolution