



# Memo

To: Clay Pearson, City Manager  
From: Fatema Weekly, Project Manager  
CC: Jon Branson, Deputy City Manager  
Trent Epperson, Assistant City Manager  
Robert D. Upton, P.E., Director of Engineering & Capital Projects  
Skipper Jones, Assistant Director of Capital Projects  
Date: November 7, 2019  
Re: Construction Manager at Risk, Shadow Creek Library

11/7/2019  
To: Mayor and City Council members  
Update on the design and CMAR process for new Shadow Creek Public Library, funded by the TIRZ #2 (interim City financing), to be operated by Brazoria County Library System. Preview of upcoming considerations here plus concept renderings and layout for building, inclusive of Brazoria County Tax office space. Clay

## Purpose

This memo provides information about the process and results from the selection process for a Construction Manager at Risk (CMAR) to provide Pre-Construction Services during the Design Phase and complete Construction Phase Services for the construction of the Shadow Creek Library.

In late 2012, the City initiated construction of a temporary 6,000 sq. ft. County Library Annex in a commercial storefront space off Broadway and Business Center Drive. Since its inception, the library has experienced substantially higher utilization than any other branch within the library system and in 2014 expanded to the current size of approximately 10,000 square feet to accommodate this utilization and growing demand for community literacy and educational resources. The construction of a new library will provide a permanent home for its patrons, address increasing circulation requirements, offer the opportunity for a larger collection and be sized to accommodate demands of the growing population.

The Project scope consists of the construction of an approximate 39,000 square foot permanent Brazoria County Branch Library facility in Shadow Creek using space requirements and usage information consistent with that developed for the renovations of the Tom Reid Library including a Brazoria County Tax Office relocated from the Public Safety Building on Cullen Parkway. Other features included are multi-purpose meeting rooms, a 100-seat teaching theater, collaborative study rooms, staff work areas, RTF (Radio/TV/Film) Maker Space, self-checkout stations and vending area with café style seating. Additionally, a trail will be connected to the Shadow Creek Trail located along Clear Creek that is currently in construction.

## Background

Schematic Design work on the new facility started July 2019 with multiple programming and design meetings held with Brazoria County Library System personnel, Brazoria County Tax Office personnel, and City personnel with the results being shared periodically with the Pearland Library Board. The Schematic Design phase is expected to conclude by the end of November 2019.

On Thursday, August 29<sup>th</sup> the City received responses to the Request for Proposals (RFP 0519-40) for the Construction Manager at Risk (CMAR) to provide Pre-Construction services during the Design Phase and complete Construction Phase services for the Library. CMAR is an alternative delivery methodology identified and outlined in the Texas Governmental Code Title 10, Chapter 2269, sub-chapter F that promotes the early involvement of the Contractor to perfect design and cost estimating of the project. During the CMAR process

a contractor is retained during the early stages of design allowing the City to benefit by drawing on substantiated industry knowledge and experience, cost forecasting, value engineering and design guidance of a seasoned Construction Manager. This collaborative effort between the City, Design Architect and Construction Manager provides numerous benefits to stakeholders such as: transparency, budget controls, accelerated schedules and a no change order approach with an established Guaranteed Maximum Price (GMP) agreed between the 75-90% level of design effort for the project.

The services in the proposed scope of work for the CMAR include: Pre-Construction Services which requires the contractor to work hand in hand with the Project Team to assist in developing final construction documents, provide continuous cost estimating at pre-determined intervals and provide a final Guaranteed Maximum Price (GMP) at 90% construction documents per plans and specifications.

Also taken into consideration in the RFP were proposed Pre-Construction fees, General Condition costs and CMAR percentage fee for construction to include profit and overhead as well as a proposed construction schedule for the Shadow Creek Library.

### **Current Status**

The City received eleven responses to the RFP. On October 7<sup>th</sup>, the project team (Engineering & Capital Projects, Facilities Staff and the Design Architect) met to discuss the results of their individual evaluations of the submitted responses. Respondents included a list of CMAR Experience and Qualifications, a list of Key Personnel and individual project experience, References, a list of similar projects in size and scope, a work schedule for current projects, a list and explanation of litigation involving the firm, the CMAR's Safety Record and a copy of the firm's Quality Control program. Evaluation of packages were based on the following criteria with the following potential point values:

- CM's project staff experience up to 25 points
- Contractor's Experience and Qualifications up to 25 points
- Project management Approach & Quality Control up to 15 points
- Contractor Safety program and Record up to 10 points
- Proposed Fees and overall cost of the project up to 25 points

Two firms were identified and subsequently interviewed as shortlist candidates based on the above ranking criteria. All members of the project team unanimously selected SpawGlass as the CMAR firm providing the Best Value to the City based on demonstrated experience, proposed personnel, the demonstrated quality control on prior projects, the firm's Safety Record and the proposed fees taken as a percentage of the total cost of construction for the project. Fees noted below:

- Pre-Construction Fees – Pre-Planning, design consulting, cost estimating, scheduling, value engineering and constructability reviews **\$36,520**
- General Conditions – Office trailers, project supervision, insurance, bonds, tool and equipment and on-site personnel **\$823,313**
- Construction Manager at Risk Fee – Profit and Overhead calculated based on the final GMP for construction costs **3.00%**

Under these terms, the CMAR will return any unused portions of the GMP to the City upon completion of construction. As all sub-contract and material supply will be bid out, actual costs will be known to the project team at every phase. SpawGlass has a documented history of completing projects below the agreed upon GMP resulting in excess funds being returned to the owner.

**Next Steps:**

On November 25, 2019, Staff will recommend Council award a contract for CMAR for Pre-Construction Services in the amount of \$36,520 per the proposal received. Upon approval, staff will issue a Notice To Proceed (NTP) commencing applicable services.

After CMAR contract approval, the project team will finalize schematic designs and begin working towards completing construction drawings. The CMAR will be tasked with conducting constructability reviews and providing design guidance with value engineering based on cost estimates and issue an opinion of probable cost of construction for the Shadow Creek Library.

At 90% completion of the construction drawings the CMAR will provide the City with a GMP for the project to include the entire scope of work for a finished Shadow Creek Library. The final GMP is negotiated based on existing terms, scope and schedule of the finished product. Once an agreement is deemed acceptable, Staff will recommend Council approve the GMP proposal and award the contract for construction.

**Professional Services Amendment:**

With the inclusion of additional space for the Brazoria County Tax Office and additional public meeting space (Teaching Theater) to the Shadow Creek Library facility, the original building footprint increased from 30,000 square feet (sq. ft.) to 39,050 sq. ft; roughly 30%. Based on the added features, Staff received an Additional Services Agreement proposal totaling \$310,044 from the project Design Architect, PGAL. The increase is based on extended Basic Services (lump sum), Bid Phase Services (Hourly Not-to-Exceed), Construction Phase Services (Hourly Not-to-Exceed), and Additional Services (Lump Sum).

In addition to participating in the CMAR proposal review and selection process, the increased services also include additional facility tours and meetings for programming, extended Architectural, Structural & MEP design hours, added Testing and Balance Services and Technology & Acoustical Consulting for the Teaching Theater. See table below for the breakdown of requested additional fees:

Scope	Original Fee	Increase	Revised Total
Basic Services	936,500.00	236,814.00	1,173,314.00
Bid Phase Services	25,670.00	2,830.00	28,500.00
Construction Phase Services	216,000.00	21,500.00	237,500.00
Reimbursable Expenses	24,000.00	6,000.00	30,000.00
Additional Services	142,300.00	42,900.00	185,200.00
<b>Totals</b>	<b>\$1,344,470.00</b>	<b>\$310,044.00</b>	<b>\$1,654,514.00</b>

Staff has carefully reviewed and negotiated the additional fees against the additional scope and find the final figures to be a fair and reasonable adjustment to the total contract based on increased scope of work. On November 25, 2019, Staff will bring a Contract Amendment for PGAL Architects to Council for approval adjusting the total design and construction phase services price to \$1,654,514.00.

**Budget Info:**

The Shadow Creek Library project is funded by Certificates of Obligation (COs) that will be reimbursed by Pearland Tax Increment Reinvestment Zone (TIRZ) No. 2. The additional funds for the expanded scope including design and construction were included in the TIRZ 5<sup>th</sup> Amendment which was approved by the TIRZ Board at their October 28, 2019 meeting. The final approval of the TIRZ 5<sup>th</sup> Amendment will be considered by the City Council at the November 25, 2019 Council Meeting. The portion of the project attributable to the Brazoria County Tax Office will be pre-financed by Brazoria County via a future Interlocal Agreement. At the point in time when the TIRZ reimburses the City for project expenditures, the City will reimburse the County for their share.

<b>Funding Sources</b>	<b>Series</b>	<b>To Date</b>	<b>Future</b>	<b>Total Budget</b>
General Revenue - Cash				-
Certificates of Obligation				-
Certificates of Obligation				-
General Obligation Bonds				-
W/S Revenue Bonds				-
TIRZ Reimbursement Debt - CO	2018	200,000		200,000
TIRZ Reimbursement Debt - CO	2019B	1,760,000		1,760,000
TIRZ Reimbursement Debt			21,540,000	21,540,000
<b>Total Funding Sources</b>		<b>1,960,000</b>	<b>21,540,000</b>	<b>23,500,000</b>

<b>Expenditures</b>	<b>To Date</b>	<b>Future</b>	<b>Total</b>
PER			-
Land	6,035		6,035
Design	1,356,220	298,294	1,654,514
Construction		17,969,833	17,969,833
Construction Management/Inspection			-
Construction Materials Testing		180,000	180,000
FF&E		2,200,000	2,200,000
<b>Total Expenditures</b>	<b>1,362,255</b>	<b>20,648,127</b>	<b>22,010,382</b>

<b>Project Balance/Contingency</b>	<b>1,489,618</b>
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**Schedule Info:**

Per the proposal submitted by SpawGlass the construction time, once the GMP is approved, from Notice to Proceed to substantial completion is 365 days. The proposed schedule is based upon the proposal package and will be revisited and refined as the GMP is developed.

	<b>Base Line</b>	<b>Current</b>
<b>Design Start</b>	November-18	November-18
<b>Bid Start</b>	May-20	August-19*
<b>Construction Start</b>	October-20	
<b>Proposed Construction Completion</b>	April-22	



\*This project will be procured through the Construction Manager at Risk (CMAR) process. The original / base line schedule was projected using the design-bid-build process.



## Vicinity Map



### SCR LIBRARY

-  Proposed Location
-  City Owned Parcels



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 227 feet

JUNE 2018  
GIS DEPARTMENT

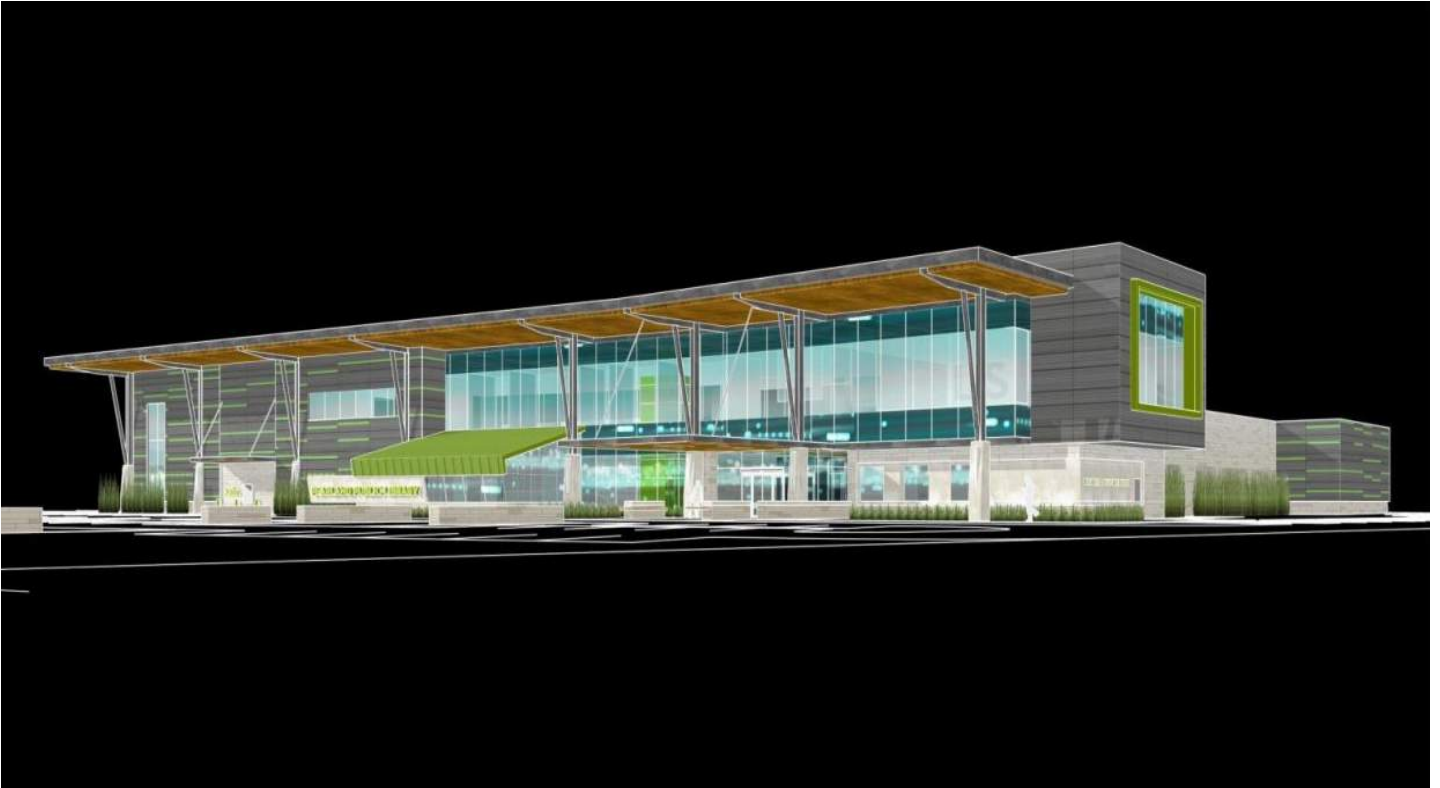


# Proposed Shadow Creek Library Site Improvements

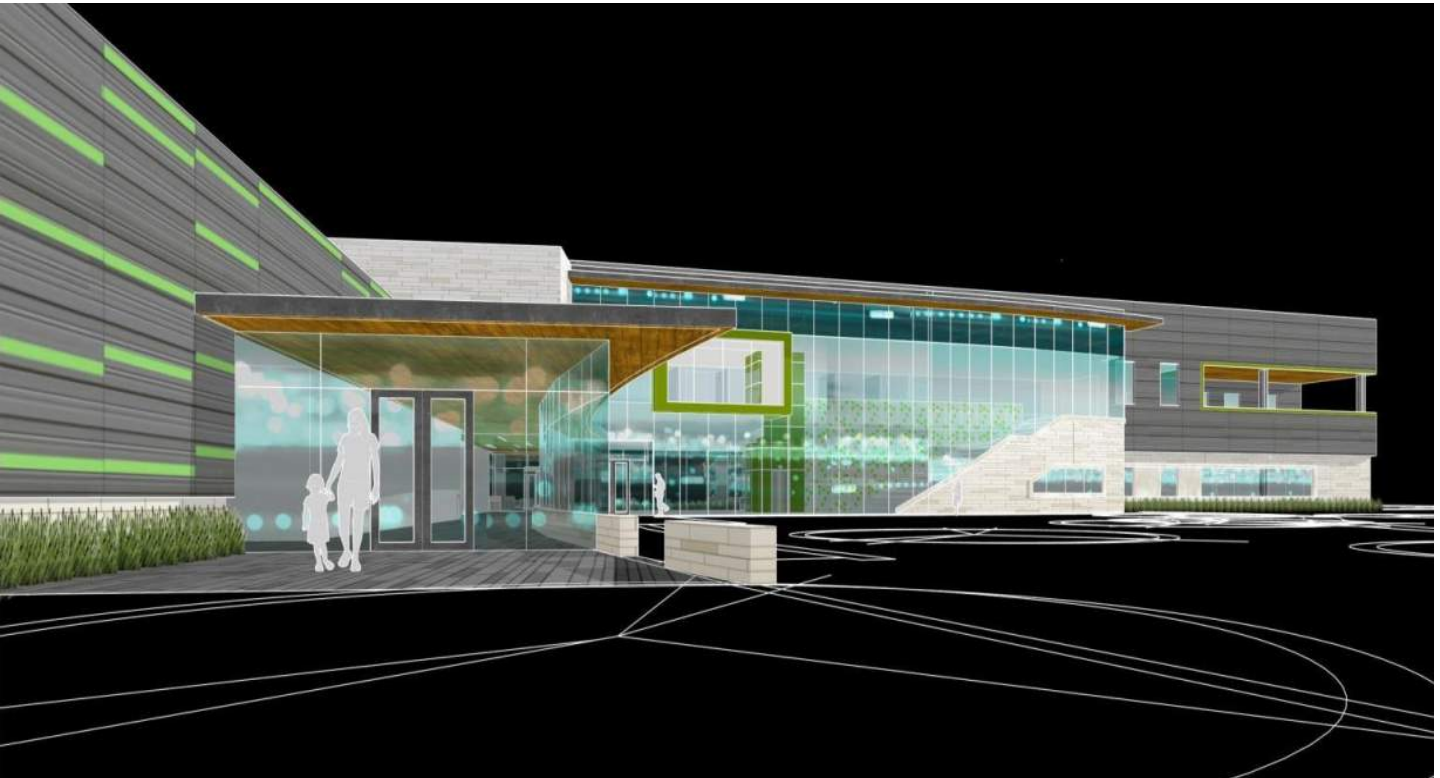




**Proposed Exterior – Shadow Creek Pkwy View**



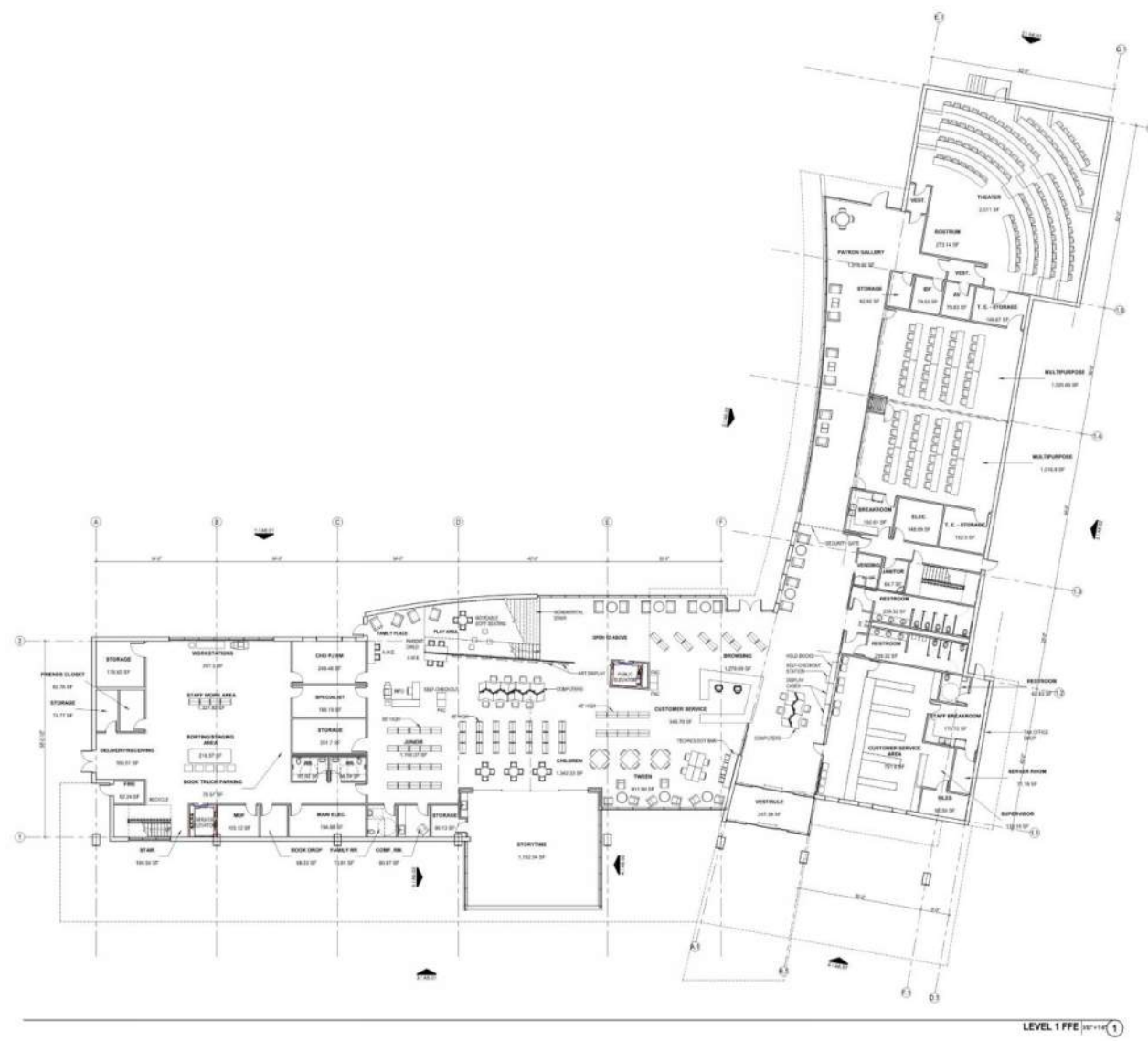
**Proposed Exterior Rear View**





FIRST LEVEL PLAN

FILE NAME: C:\0000\pearland\1000\_001\_001\_001.dwg DATE: 10/20/2019 11:27:55 AM  
 INTX: 11/14/19



**GENERAL PLAN NOTES**

1. ROOM AND EQUIPMENT NUMBERS ARE FOR CONSTRUCTION COORDINATION ONLY. CONTRACTOR SHALL CORRECTLY REFLECT THESE NUMBERS FOR FINAL RECORDS.
2. CONTRACTOR SHALL VERIFY THESE DIMENSIONS AND CONDITIONS BEFORE ANY CONSTRUCTION BEGINS. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS BEFORE ANY CONSTRUCTION BEGINS.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS TO CENTRAL WALLS ARE TO FACE OF WALL UNLESS NOTED OTHERWISE.
5. ALL DIMENSIONS TO CENTRAL WALLS ARE TO FACE OF WALL UNLESS NOTED OTHERWISE.
6. ALL DIMENSIONS TO CENTRAL WALLS ARE TO FACE OF WALL UNLESS NOTED OTHERWISE.
7. CONTRACTOR SHALL VERIFY ALL DIMENSIONS BEFORE ANY CONSTRUCTION BEGINS.
8. CONTRACTOR SHALL VERIFY ALL DIMENSIONS BEFORE ANY CONSTRUCTION BEGINS.
9. CONTRACTOR SHALL VERIFY ALL DIMENSIONS BEFORE ANY CONSTRUCTION BEGINS.
10. CONTRACTOR SHALL VERIFY ALL DIMENSIONS BEFORE ANY CONSTRUCTION BEGINS.

**PLAN GRAPHICS LEGEND**

- DIMENSIONS OF ROOMS TO BE INCLUDED IN THIS PLAN
- DIMENSIONS OF ROOMS TO BE INCLUDED IN THIS PLAN
- DIMENSIONS OF ROOMS TO BE INCLUDED IN THIS PLAN

**KEYNOTE LEGEND**

NOTE: KEYNOTE NUMBERING FOR BRANDED/FURNITURE ITEMS WILL BE ADDED TO THIS PLAN AS REQUIRED.

NUMBER	DESCRIPTION



**CITY OF PEARLAND**  
 3510 LIBERTY DR.  
 PEARLAND, TX 77581  
 T 281-452-1600  
 F Fax

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**ARCHITECT**



**PGAL**  
 3121 STEWART DR.  
 SUITE 200  
 HOUSTON, TX 77042  
 T 713-822-1444  
 F 713-822-1444  
 www.pgal.com

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**PROJECT NAME**  
 CITY OF PEARLAND  
 PUBLIC LIBRARY

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**PROJECT LOCATION**  
 11801 SHADOW CREEK PROXY  
 PEARLAND, TX 77584

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**PROJECT NUMBER**  
 1004038

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**SHEET TITLE**  
 OVERALL LEVEL 1 FLOOR PLAN

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**SHEET NUMBER**  
 A2.01

**DRAWING HISTORY**

NO.	DATE	DESCRIPTION





