

ST. PETERSBURG CITY COUNCIL

Report

Meeting of May 19, 2022

TO: The Honorable Gina Driscoll, Chair, and Members of City Council

SUBJECT: Approving the Second Amendment to the Design Build at Risk Agreement (“DBAR”), with a Guaranteed Maximum Price (“GMP”) between the City of St. Petersburg and Horus Construction Services, Inc. (“Horus”) for additional preconstruction phase and construction management phase services in the amount of \$1,077,329 for the new Deuces Rising Townhomes and Commercial Development at Commerce Park (“DBAR Agreement”). authorizing the City Attorney to make non-substantive changes to the Second Amendment;; authorizing the Mayor, or his designee, to execute the Second Amendment;; approving a rescission of an unencumbered appropriation in the amount of \$1,285,319 from the General Fund (0001), Finance Department, Revenues and Transfers Division (320-3201); approving a transfer in the amount of \$1,285,319 from the unappropriated balance of the General Fund, resulting from the above rescission, to the Housing Capital Improvements Fund (3000); approving a supplemental appropriation in the amount of \$1,285,319 from the increase in the unappropriated balance of the Housing Capital Improvements Fund (3000), resulting from the above transfer, to the Deuces T/H & Comm Development Project (18286); and providing an effective date. (ECID Project No. 20205-019)

EXPLANATION: On April 1, 2021, City Council approved a Design Build (“DB”) Agreement with a GMP with Horus for partial preconstruction phase services consisting of concept development and public engagement, schematic design, design development, cost estimation and constructability reviews in an amount not to exceed \$540,964. Remaining preconstruction phase services consisting of complete construction documents, construction administration, final estimation and development of a GMP proposal was intended to be brought to City Council for approval as a future amendment following development of the concept and further resolution of limited site contamination concerns.

On December 9, 2021, City Council approved the First Amendment to the Horus DBAR for the construction of water, sewer and stormwater utility services in the right-of-way of Fairfield Ave. South in the amount of \$2,145,199.

This Second Amendment provides for construction documents and construction administration services for the Design Team. This amendment also includes preconstruction services to develop the GMP proposal for the remainder of the project. This amendment also provides for additional schematic design and preconstruction services fees related to the commercial building spatial programming and ultimate schematic design that included space planning, developing options and a series of unplanned meetings with the Sankofa community group to develop the commercial buildings.

Further, Horus will provide preconstruction services that includes but are not limited complete design and construction administration services, refinement of cost estimates during the design phases, constructability reviews, value engineering, project scheduling and procurement coordination. At the conclusion of the Preconstruction Phase, the Design Build firm shall provide a GMP proposal to the City that shall not exceed the City’s construction cost budget. The additional Preconstruction Phase fees are as follows:

Total Second Amendment: \$1,077,329

The Construction Phase shall commence upon City Council’s approval of a Guaranteed Maximum Price Amendment (“GMP Amendment”) and the issuance of a Notice to Proceed. The GMP Amendment will

include the Cost of the Work plus the Construction Manager's Fee. During the Construction Phase, the Design Build firm will assume the responsibility as the contractor and will proceed to construct the new Deuces Rising Townhomes and Commercial Development at Commerce Park. All construction work will be competitively bid out by Horus in accordance with the terms and conditions set forth in the DBAR Agreement.

In addition to the contract amount, there are City costs associated with the project in the amount of \$207,990 for design services for staff project management, other consulting and contingency.

RECOMMENDATION: Administration recommends authorizing the Mayor or his designee to execute the Second Amendment to the Design Build at Risk Agreement ("DBAR"), with a Guaranteed Maximum Price ("GMP") between the City of St. Petersburg and Horus Construction Services, Inc. ("Horus") for additional preconstruction phase and construction management phase services in the amount of \$1,077,329 for the new Deuces Rising Townhomes and Commercial Development at Commerce Park ("DBAR Agreement"). authorizing the City Attorney to make non-substantive changes to the Second Amendment;; authorizing the Mayor, or his designee, to execute the Second Amendment;; approving a rescission of an unencumbered appropriation in the amount of \$1,285,319 from the General Fund (0001), Finance Department, Revenues and Transfers Division (320-3201); approving a transfer in the amount of \$1,285,319 from the unappropriated balance of the General Fund, resulting from the above rescission, to the Housing Capital Improvements Fund (3000); approving a supplemental appropriation in the amount of \$1,285,319 from the increase in the unappropriated balance of the Housing Capital Improvements Fund (3000), resulting from the above transfer, to the Deuces T/H & Comm Development Project (18286); and providing an effective date. (ECID Project No. 20205-019)

COST/FUNDING/ASSESSMENT INFORMATION: Funding for this project was previously appropriated in the FY22 Amended Budget in the General Fund (0001), Finance Department (320), Revenues and Transfers Division (320-3201); Funding will be available after the approval of a rescission of an unencumbered appropriation in the amount of \$1,285,319 from the General Fund (0001), Finance Department, Revenues and Transfers Division (320-3201); a transfer in the amount of \$1,285,319 from the unappropriated balance of the General Fund (0001), resulting from the above rescission, to the Housing Capital Improvements Fund (3000); and a supplemental appropriation in the amount of \$1,285,319 from the increase in the unappropriated balance of the Housing Capital Improvements Fund (3000), resulting from the above transfer, to the Deuces T/H & Comm Development Project (18286).

ATTACHMENTS: Amended Appendices
Resolution

RESOLUTION NO. 2022-_____

A RESOLUTION APPROVING THE SECOND AMENDMENT TO THE DESIGN-BUILD AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG, FLORIDA AND HORUS CONSTRUCTION SERVICES, INC. (“HORUS”) DATED MAY 6, 2021 FOR THE DEUCES RISING TOWNHOMES AND COMMERCIAL DEVELOPMENT PROJECT (“PROJECT”) FOR HORUS TO PROVIDE ADDITIONAL PRECONSTRUCTION SERVICES, DESIGN AND OTHER PROFESSIONAL SERVICES IN AN AMOUNT NOT TO EXCEED \$1,077,329; PROVIDING THAT THE TOTAL BUDGET FOR PRECONSTRUCTION SERVICES AND DESIGN AND OTHER PROFESSIONAL SERVICES FOR THE PROJECT SHALL NOT EXCEED \$1,618,293; AUTHORIZING THE CITY ATTORNEY’S OFFICE TO MAKE NON-SUBSTANTIVE CHANGES TO THE SECOND AMENDMENT; APPROVING A RESCISSION OF AN UNENCUMBERED APPROPRIATION IN THE AMOUNT OF \$1,285,319 FROM THE GENERAL FUND (0001), FINANCE DEPARTMENT, REVENUES AND TRANSFERS DIVISION (320-3201); APPROVING A TRANSFER IN THE AMOUNT OF \$1,285,319 FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND, RESULTING FROM THE ABOVE RESCISSION, TO THE HOUSING CAPITAL IMPROVEMENTS FUND (3000); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$1,285,319 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE HOUSING CAPITAL IMPROVEMENTS FUND (3000), RESULTING FROM THE ABOVE TRANSFER, TO THE DEUCES T/H & COMM DEVELOPMENT PROJECT (18286) TO COVER THE COST OF THE SECOND AMENDMENT AND OTHER PROJECT-RELATED COSTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg, Florida (“City”) and Horus Construction Services, Inc. (“Horus”) entered into a design-build agreement (“Agreement”) on May 6, 2021 for Horus to provide pre-construction and construction phase services for the Deuces Rising Townhomes and Commercial Development Project (“Project”); and

WHEREAS, pursuant to that Agreement, Horus was authorized to provide initial pre-construction phase services in an amount not to exceed \$540,964, with the additional compensation for the remaining pre-construction phase services being subject to City Council approval at a future date; and

WHEREAS, the City and Horus entered into a first amendment to the Agreement

on February 1, 2022 incorporating Guaranteed Maximum Price (GMP) Proposal No. 1 for construction of the water, sewer, and stormwater utility services in the Fairfield Ave. South right-of-way in the amount of \$2,145,199; and

WHEREAS, the remaining pre-construction phase and design services include additional public engagement, additional schematic design for the commercial buildings, cost estimation, constructability review, construction documents, development of a GMP proposal for the remainder of the Project, and construction administration in the additional amount of \$1,077,329, which includes a \$70,000 allowance; and

WHEREAS, the City and Horus desire to amend the Agreement to add the remaining pre-construction services and design and other professional services for the Project and increase the total budget for preconstruction services and design and other professional services to \$1,618,293.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the second amendment to the design-build agreement between the City of St. Petersburg, Florida and Horus Construction Services, Inc. (“Horus”) dated May 6, 2021 for the Deuces Rising Townhomes and Commercial Development Project (“Project”) for Horus to provide additional preconstruction services, design and other professional services in an amount not to exceed \$1,077,329 is hereby approved.

BE IT FURTHER RESOLVED that the total budget for preconstruction services and design and other professional services shall not exceed \$1,618,293.

BE IT FURTHER RESOLVED that the City Attorney’s Office is authorized to make non-substantive changes to the second amendment.

BE IT FURTHER RESOLVED that an unencumbered appropriation in the amount of \$1,285,319 from the General Fund (0001), Finance Department, Revenues and Transfers Division (320-3201) is hereby rescinded.

BE IT FURTHER RESOLVED that there is hereby approved the following transfer from the unappropriated balance of the General Fund (0001) to the Housing Capital Improvements Fund (3000), resulting from the above rescission, for FY22:

General Fund (0001)

Transfer to: Housing Capital Improvements Fund (3000) \$1,285,319

BE IT FURTHER RESOLVED that there is hereby approved from the increase in the unappropriated balance of the Housing Capital Improvements Fund (3000), resulting from the above transfer, the following supplemental appropriation for FY22 to cover the cost of the second amendment and other costs related to the Project:

Housing Capital Improvements Fund (3000)

Deuces T/H & Comm Development Project (18286) \$1,285,319

This resolution shall become effective immediately upon its adoption.

BUDGET:

E Makofska

DEPARTMENT:

Brijesh Prayman

LEGAL:

/s/ Sharon Michnowicz

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