



AGENDA ITEM SUMMARY

District Impacted

- ☐ 1 = Haberstroh
- ☐ 2 = Woolard
- ☐ 3 = Boyd
- ☐ 4 = Cisneros
- ☐ 5 = Bergmann
- ☒ x All

DESCRIPTION	RECEIVE UPDATE ON BOERNE AMPITHEATER AT THE LIBRARY AND CONSIDER RESOLUTION 2016-R18; A RESOLUTION AUTHORIZING A PAYMENT NOT TO EXCEED \$16,000.00 TO TERRA DESIGN GROUP FOR ADDITIONAL CONSTRUCTION SERVICES RELATED TO THE BOERNE AMPITHEATER AT THE LIBRARY.
STAFF'S RECOMMENDED ACTION (be specific)	Authorize payment for additional professional design services to Terra Design Group in an amount not to exceed \$16,000 related to additional services of the Boerne Amphitheater at the Library project.
CONTACT PERSON	Paul Barwick
SUMMARY	<p>The original contract for professional design services with Terra Design Group for the amphitheater was \$68,900. Payment for these rendered professional services have been paid in full to date.</p> <p>Terra Design Group has since submitted an invoice in the amount of \$13,065.35 for additional services rendered from August - December 2015, primarily to remedy several project deficiencies including but not limited to the complete removal and replacement of the steel stage canopy, Texas Dept. of Licensing and Regulation (TDLR) inspection and remedy of non-compliant concrete walkways and related items.</p> <p>The amount requested of \$16,000 is to cover the TDG invoice and for additional professional services expected to cover remaining services to close out the project. This amount exceeds \$15,000 and is greater than 20% of the original contract price, this request for payment is before city council for consideration. The City will pursue reimbursement of the total amount of these additional professional services through the Contractor's project retainage which amounts to \$76,741.</p> <p><i>The following is an excerpt from Zimmerman Construction Contract</i></p> <p>ARTICLE II - TIME OF COMPLETION</p> <p>"If the contractor fails to complete this contract in the calendar days specified, the time charge will be made for each working</p>

	<p>day thereafter." Project shall be completed within ONE HUNDRED AND EIGHTY (180) DAYS from the notice to proceed issued by the landscape architect/ engineer.</p> <p>The time set forth in the proposal for the completion of the work is an essential element of the contract. For each calendar day in addition to the ONE HUNDRED AND EIGHTY (180) Calendar Days contractually required by this contract for completion of the Project, unless extended by the Owner (such extension confirmed by written agreement signed by the Owner), the amount owed to the Owner by the Contractor per such calendar day shall be deducted from any monies currently due or that shall become due to the Contractor by the Owner not as a penalty, but as added expense for landscape architectural/engineering supervision, per the following schedule.</p> <p>FOR AMOUNT OF CONTRACT (COST PER DAY)</p> <table> <tr> <td>\$ 5,000 to \$ 25,000</td><td>\$100.00</td></tr> <tr> <td>\$ 25,001 to \$ 100,000</td><td>\$200.00</td></tr> <tr> <td>\$ 100,001 to \$ 500,000</td><td>\$250.00</td></tr> <tr> <td>\$ 500,001 and over</td><td>\$300.00</td></tr> </table> <p>According to city records Zimmerman Construction is currently over the total number of contract days by 138 days which equates to a total time charge of \$41,400.</p> <p>The Boerne Amphitheater at the Library is approximately 95% substantially complete. Expected project completion in February 2016, expected dedication and grand opening in April 2016.</p>	\$ 5,000 to \$ 25,000	\$100.00	\$ 25,001 to \$ 100,000	\$200.00	\$ 100,001 to \$ 500,000	\$250.00	\$ 500,001 and over	\$300.00
\$ 5,000 to \$ 25,000	\$100.00								
\$ 25,001 to \$ 100,000	\$200.00								
\$ 100,001 to \$ 500,000	\$250.00								
\$ 500,001 and over	\$300.00								
COST	\$16,000								
SOURCE OF FUNDS	Boerne Amphitheater at the Library Project								
ADDITIONAL INFORMATION	Terra Design Group Invoice dated 01/26/16 Images of amphitheater and restroom								

This summary is not meant to be all inclusive. Supporting documentation is attached.

Form Revised 10/13/15