



Legislation Text

---

File #: 23-2066, Version: 1

---

**STRATEGIC PRIORITY:** Transportation & Infrastructure

**AGENDA DATE:** November 8, 2023

**COUNCIL DISTRICT(S):** 1

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Dr. Robert Perez

---

**SUBJECT**

Authorize an increase in the construction services contract with The Fain Group, Inc. for additional traffic signal and pedestrian improvements at Fort Worth Avenue and Bahama Drive for the Collective Mixed-Use Sustainable Development Project - Not to exceed \$287,498.84, from \$1,980,984.00 to \$2,268,482.84 - Financing: Fort Worth Avenue Tax Increment Financing Fund

**BACKGROUND**

The Collective Sustainable Development Infrastructure Project is a partnership project with the North Central Texas Council of Governments (NCTCOG) and the Texas Department of Transportation (TxDOT), which was selected by the NCTCOG's Sustainable Development Infrastructure Improvement Program. The Collective Sustainable Development Infrastructure Project is being implemented in two phases in order to accommodate planned mixed-use development in the area by the Lincoln Property Company.

Phase 1 entailed sidewalks and pedestrian lighting improvements along Fort Worth Avenue between Colorado Boulevard and Bahama Drive, which was completed in August 2017. Phase 2 improvements include bike lanes on Fort Worth Avenue, from Bahama Drive to Interstate Highway 30; on Colorado Boulevard, from Fort Worth Avenue to Hampton Road; on Bahama Drive, from Fort Worth Avenue to Plymouth Road; intersection improvements including signal upgrades on Fort Worth Avenue at Bahama Drive and at Jacqueline Drive and on Plymouth Road at Hampton Road, sidewalk improvements and connection to the Coombs Creek Trail in the City of Dallas.

A developer had plans to redevelop the property directly across from the intersection of Fort Worth Avenue and Bahama Drive. The developer was responsible for traffic signal and pedestrian improvements at Fort Worth Avenue and Bahama Drive adjacent to the property due to the additional traffic impacts. The developer elected to renovate the existing facility in lieu of redeveloping the property. It is now the City's responsibility to provide these improvements.

This action will authorize an increase in the construction services contract with The Fain Group, Inc. for additional traffic signal and pedestrian improvements at Fort Worth Avenue and Bahama Drive not included in the original Phase 2 scope for the Collective Mixed-Use Sustainable Development Project in an amount of \$287,498.84, increasing the contract amount from \$1,980,984.00 to \$2,268,482.84.

The Fain Group, Inc. is located in Fort Worth, Texas, and is a registered vendor with the City of Dallas.

### **ESTIMATED SCHEDULE OF PROJECT**

#### **Phase 2 of the Collective Sustainable Development Infrastructure Project**

Began Design	May 2018
Completed Design	December 2021
Began Construction	July 2022
Complete Construction	February 2024

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On June 3, 2010, the Regional Transportation Council (RTC) approved \$13,779,712.00 in Regional Toll Revenue (RTR) or RTC local funds for nine infrastructure and three planning projects in the City of Dallas.

On August 25, 2010, the City Council authorized support for projects selected within the City of Dallas for the Regional Transportation Council Sustainable Development Program and authorized the City Manager to negotiate agreements with the North Central Texas Council of Governments (NCTCOG) and private sector partners, where applicable by Resolution No. 10-2152.

On February 24, 2011, the Texas Transportation Commission concurred with RTC's selection of projects for the Collective Sustainable Development Infrastructure Project and its funding of \$1,986,250.00.

On September 26, 2012, the City Council authorized an agreement with NCTCOG and TxDOT to obtain funding to reimburse a private developer, The Park at Kessler, LP, for the cost of construction of the Collective Sustainable Development Infrastructure Project, in the amount of \$1,986,250.00 from the NCTCOG by Resolution No. 12-2360.

On September 26, 2012, the City Council authorized an agreement with The Park at Kessler, LP, and/or its assigns ("Owner") for reimbursement of the cost of construction of the Collective Sustainable Development Infrastructure Project, in an amount not to exceed \$1,986,250.00, by Resolution No. 12- 2361.

On December 12, 2016, the Fort Worth Avenue Tax Increment Financing Board (TIF) of Directors reviewed and unanimously approved dedicating up to \$496,563.00 in Fort Worth Avenue District-wide TIF funds as the local match for the Collective Sustainable Development Infrastructure Project in partnership with North Central Texas Council of Governments Regional Transportation Council for its Sustainable Development Program.

On September 27, 2017, the City Council authorized to amend Resolution No. 12-2360, previously approved by on September 26, 2012, for the Collective Sustainable Development Project to (1) delete the reimbursements to The Park at Kessler, LP; and execute an agreement with NCTCOG and the Texas Department of Transportation (TxDOT) to receive and deposit funds from TxDOT for the cost of design and construction of the Collective Sustainable Development Infrastructure project in an amount not to exceed \$1,986,250.00 and (2) authorize Fort Worth Avenue Tax Increment Financing (TIF) District Board of Directors to dedicate up to \$496,563.00 in the Fort Worth Avenue TIF Fund as the required local matching funds for the NCTCOG Sustainable Development Grant Program associated with the Collective Sustainable Development Infrastructure Project to support the development in the Fort Worth Avenue TIF District and (3) the City Manager to increase appropriations in the Fort Worth Avenue TIF Fund 0058 for the local 20 percent match in accordance with the agreement, in Fund 0058, Department ECO, Unit W180, Object 3016, in an amount not to exceed \$496,563.00, by Resolution No. 17- 1546.

On September 27, 2017, the City Council authorized to amend Resolution No. 12-2361, previously approved on September 26, 2012, to rescind the execution of the development agreement with The Park at Kessler, LP for the Collective Sustainable Development Infrastructure Project, and associated reimbursement of project costs by Resolution No. 17-1547.

On January 9, 2019, the City Council authorized an amendment to the Funding Agreement with the North Central Texas Council of Governments and the Texas Department of Transportation (Agreement No. CSJ 0918-47-027) to extend the project schedule timeline through October 31, 2019, revise the project closeout requirements, scope of work, project location map and the project budget for the Collective Sustainable Development Infrastructure Project by Resolution No. 19-0085.

On March 24, 2021, the City Council authorized (1) rescinding Resolution No. 19-0085, previously approved on January 9, 2019, for the execution of Amendment No. 1 to the Funding Agreement with the North Central Texas Council of Governments and the Texas Department of Transportation (Agreement No. CSJ 0918-47-027) for the Collective Sustainable Development Infrastructure Project, as the project schedule timeline has expired; (2) Amendment No. 1 to the Funding Agreement with the North Central Texas Council of Governments and the Texas Department of Transportation (Agreement No. CSJ 0918-47-027) to extend the project schedule timeline through December 31, 2022, and revise the project closeout requirements, scope of work, project location map and the project budget; and (3) confirmation of the City Council's continued support for the Collective Sustainable Development Infrastructure Project and commitment to the revised project schedule timeline by Resolution No. 21-0486.

On April 13, 2022, the City Council authorized a construction services contract with The Fain Group, Inc. for the construction of Collective Sustainable Development Infrastructure Project, Phase 2 in the City of Dallas by Resolution No. 22-0543.

**FISCAL INFORMATION**

Fund	FY 2024	FY 2025	Future Years
Fort Worth Avenue Tax Increment Financing Fund	\$287,498.84	\$0.00	\$0.00

Construction Contract	\$1,980,984.00
Change Order No. 1 (this action)	\$ 287,498.84
Total Project Costs	\$2,268,482.84

**M/WBE INFORMATION**

In accordance with the City’s Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

<b>Contract Amount</b>	<b>Procurement Category</b>	<b>M/WBE Goal</b>
\$287,498.84	Construction	32.00%
<b>M/WBE Subcontracting %</b>	<b>M/WBE Overall %</b>	<b>M/WBE Overall Participation \$</b>
36.70%	36.70%	\$105,523.73
• This contract meets the M/WBE goal.		
• Change Order No 1 - 26.76% Overall MWBE participation		
• The Fain Group, Inc. - Non-local; Workforce - 0.00% Local		

**OWNER**

**The Fain Group, Inc.**

Larry Frazier, President

**MAP**

Attached