



|   |
|---|
| <input checked="" type="checkbox"/> AMENDMENT OF SOLICITATION |
| <input type="checkbox"/> MODIFICATION OF CONTRACT             |

City of New Braunfels  
Purchasing  
551 Landa Street  
New Braunfels, Texas 78130

|   |                 |                      |   |
|---|-----------------|----------------------|---|
| 1. Solicitation No.<br>RFP 23-015<br>Construction Manager-at-Risk for<br>Zipp Family Sports complex | 2. Contract No. | 3a. Addendum No. 1   | 4. Effective Date of this Action<br><br>2/22/2023 |
|   |                 | 3b. Modification No. |   |

|  |   |  |
|--|---|--|
| 5. Name and Address of Offeror or Contractor | 6. For Information Call:<br>(No collect calls or Fax offers accepted)<br>Purchasing: <b>Barbara Coleman</b><br>Phone No.: <b>830-221-4389</b><br>Fax No.: <b>830-608-2112</b> | 7. Amount of Contract/Order is:<br>Increased by:<br>Decreased by:<br>New Total:<br><br><input type="checkbox"/> <b>Unchanged</b> |
|--|---|--|

8. THIS BLOCK APPLIES TO AMENDMENTS OF SOLICITATIONS ONLY:  
The above numbered solicitation is amended as set forth in Block 10 below.  
 The date and time specified for receipt of offers IS NOT extended.  
 THE DATE AND TIME SPECIFIED FOR RECEIPT OF OFFERS IS CHANGED TO:  
Offerors must acknowledge receipt of this amendment prior to the date and time specified in the solicitation or as amended, by one of the following methods:  
(i) By completing Blocks 5 and 11 and returning this Addendum in the number of copies specified for the solicitation;  
(ii) By acknowledging receipt of this Addendum on each copy of the bid submitted; or,  
(iii) By separate letter, telegram, or fax referencing the solicitation and addendum.  
If by virtue of this Addendum offeror desires to change an offer already submitted, such change may be made by letter, telegram, or fax, provided each such notice makes reference to the solicitation AND this Addendum, and is received prior to the date and time specified.  
**NOTICE: NON-RECEIPT OF YOUR OFFER AND THIS ADDENDUM AT THE DESIGNATED PLACE WITHIN THE DATE AND TIME SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER.**

9. THIS BLOCK APPLIES TO MODIFICATIONS TO CONTRACTS, DELIVERY OR PURCHASE ORDERS ONLY.  
The above numbered Contract, Delivery, or Purchase order is modified as set forth in block 10 below.

- This Change Order is issued in accordance with authority granted by instrument referenced in block 2.
- The instrument in Block 2 is modified to reflect administrative changes.
- This Supplemental Agreement is entered into pursuant to the Authority of:
- Other (Specify type of modification and authority): \_\_\_\_\_.
- CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN ONE ORIGINAL.
- Contractor is not required to sign this document but is requested to acknowledge receipt.

**10. DESCRIPTION OF CHANGES**

This Addendum No. 1 provides the minutes from the Pre-Proposal conference hosted on February 14, 2023 along with the attendance report and answers to questions received by the end of the question period on February 17, 2023.

Except as provided herein, all terms and conditions of the document referenced above remain unchanged and in full force and effect.

|   |           |                                       |                   |
|---|-----------|---------------------------------------|-------------------|
| 11a. SIGNATURE OF OFFEROR OR CONTRACTOR |           | CITY OF NEW BRAUNFELS, TEXAS          |                   |
|   |           | "Barbara Coleman"                     |                   |
| 11b. PRINTED NAME AND TITLE             | 11c. DATE | Barbara Coleman<br>Purchasing Manager | 2/22/2023<br>Date |



**RFP 23-015 Construction Manager-at-Risk for  
Zipp Family Sports Complex  
PRE-PROPOSAL CONFERENCE MINUTES  
February 14, 2023 at 10 a.m.**

**A. Announcement of Solicitation: RFP 23-015 CMAR for Zipp Family Sport Complex**

Solicitation Schedule:

1. Date issued: January 31, 2023
2. Non-mandatory Pre-Proposal Conference: February 14, 2023 at 10:00 A.M. (Central Time)  
Hosted via zoom:

Register in advance for this webinar. Please click the link below to join the webinar:

[https://us02web.zoom.us/webinar/register/WN\\_n\\_2xwqogTWyjJB1h5JoWWQ](https://us02web.zoom.us/webinar/register/WN_n_2xwqogTWyjJB1h5JoWWQ)

After registering, you will receive a confirmation email containing information about joining the webinar. The call in Telephone: (833) 926-2300

3. All questions must be submitted to **Barbara Coleman** no later than **February 17, 2023 by 5:00 P.M. (Central Time)**.
4. All proposals are due to New Braunfels City Hall, City Secretary Office - Attention: Purchasing, **no later than 3:00 P.M. (Central Time) on February 28, 2023**.
5. Proposals will be read aloud at City Hall and posted on the city website:
  - City of New Braunfels' website, <https://www.nbtexas.org/2694/Solicitations>.
6. **Notice of Award:** It's the City's intent to make its recommendation to City Council March 2023.

**B. Introductions (Staff)**

1. Barbara Coleman, Purchasing Manager – **primary point of contact until the contract is awarded**.  
Phone: (830) 221-4389 Email: [bcoleman@newbraunfels.gov](mailto:bcoleman@newbraunfels.gov)
2. Josh Niles, City Project Manager  
Phone: (830) 221-4638 Email: [jniles@newbraunfels.gov](mailto:jniles@newbraunfels.gov)
3. Norris Design, Joe Daly and Matthew Taylor
4. Walker Partners, Jared Niermann

**C. Description of Work:**

**Technical description will be discussed during this meeting.**

The City is seeking a project team approach to construction management services for the Zipp Family Sport Complex with a focus and commitment to achieving design and construction excellence.

The CMAR will provide preconstruction services in cooperation with the Landscape Architect of record and its consultant the Engineer for the Project. Subsequently, the CMAR will negotiate a Guaranteed Maximum Price (GMP) for the construction phase of the work. A Construction Management at Risk project delivery method will expedite the Project to market and can also strengthen coordination between the Engineer and the CMAR. The collaborative effort between the City, the CMAR and the Engineer will create enhanced synergies throughout delivery of the Project. The successful CMAR will



assemble a team that is experienced and technically proficient to work collaboratively with the City staff, other consultants, and stakeholders.

**D. Project Estimation:** \$29,000,000

**E. Review of Bidding Procedures**

1. Solicitation documents may be obtained at:
  - The BidNet Direct website, <https://www.bidnetdirect.com/texas/city-of-new-braunfels>
  - The City of New Braunfels' website, <https://www.nbtexas.org/2694/Solicitations>
2. **Submission:** Proposer must follow proposal instructions notated within Sections 1 through 5 of the solicitation documents to provide consistency for the evaluation committee.
  - a. Deadline for submittal of Questions and Requests for clarifications will be **February 17, 2023** at 5:00 p.m.
  - b. All proposals are due to New Braunfels City Hall, City Secretary Office - Attention: Purchasing, **no later than 3:00 P.M. (Central Time) on February 28, 2023.**
  - c. All proposals must be time stamped by the City Secretary's Office at the New Braunfels City Hall.
  - d. Proposals received after the time and date set for submission will be returned, unopened, upon request.
  - e. Label as follows:

Delivery Address  
Purchasing Department  
City of New Braunfels  
550 Landa Street  
New Braunfels, TX 78130

Labeled:  
**CSP 23-015**  
**CMAR-Sports Complex**  
**Due: Feb. 28, 2023 – 3pm**

**F. Required Proposal Documents:**

**Maximum of 50 pages:** The cover, table of contents, divider sheets, Pricing and Delivery Proposal, and Execution of Offer do not count as printed pages.

**Table of Contents** - Submittals shall include a "Table of Contents" and give page numbers for each part the Proposal.

**G. General Information**

1. **PROJECT DURATION – This is a change from the published solicitation**
2. **Section 1.11.1 is changed to the following dates.**
  - a. Preconstruction Phase – March 2023 to xxx
  - b. Construction Phase – September 2023 to December 2024



- c. Days to Achieve Substantial Completion - The Work will be substantially completed within **455** calendar days after the date when the Contract Times commence.
  - d. Days to completed and ready for final payment within **485** calendar days after the date when the Contract Times commence to run.
  - e. The substantial completion schedule will be further defined with the final contract.
2. **Liquidated Damages: \$1200** for each calendar day that expires after the time specified, refer to 6.03. of the Contract Documents.

**H. Other Instructions**

1. **Evaluation Criteria –**

| EVALUATION CRITERIA                                   |   | Score      |
|---|---|------------|
| Proposers who do not pass 1 & 2 will be disqualified. |   |            |
| 1   | <b>Completeness of Response</b>                                   | Pass/Fail  |
| 2   | <b>General Company History &amp; Financial Capabilities</b>       | Pass/Fail  |
| 3   | <b>Pricing and Delivery Proposal</b>                              | 30         |
| 4   | <b>Qualifications</b>   | 15         |
| 5   | <b>Pre-Construction Phase Services and Project Execution Plan</b> | 15         |
| 6   | <b>Construction Phase Services and Project Execution Plan</b>     | 15         |
| 7   | <b>Project Planning and Scheduling</b>                            | 10         |
| 8   | <b>Estimating and Cost Control Measures</b>                       | 10         |
| 9   | <b>Quality Control and Commissioning Program</b>                  | 5          |
| <b>TOTAL SCORE</b>                                    |   | <b>100</b> |

- 2. **Retainage: (5%)** – for construction phase
- 3. **Bonding & Insurance –**
  - o Bid Bond (5%) –
  - o Insurance and Liability Coverage – Article 18 - 4.18



During Construction Phase

- Performance (100%) Equal to Contract Amount
- Payment (100%) Equal to Contract Amount

4. **Prevailing wage rates:** Davis Bacon Wage Rates – Attachment 3 – Prevailing Wage Schedule

5. **General Contractor Registration with the City:**

Ordinance 2008-43 requires all general Contractors and their Subcontractors to be registered with the City of New Braunfels before commencing work within city limits. All information may be obtained from the Planning & Community Development department, Building Division on the City's website, [www.nbtexas.org](http://www.nbtexas.org). In addition to topics such as permitting and fees, et cetera, the "Forms and Applications" hyperlink has links to the required "**Contractor's Registration Packet**" and "**Sub-Contractor Registration**" forms. Additional information may be provided by calling the Building Division at (830) 221-4060.

6. **Anti-Lobbying:** Section 4.19.09

**I. Proposal Form – Attachment 1**

- Pre-construction Phase Fee
- Construction Cost Limitation
- Not-To-Exceed General Conditions Costs

**II. Technical Discussion – Joshua Niles, Project Manager and Engineers:**

**III. Questions and Clarifications**

The City's official response(s) will be provided in an Addendum released after the final date for questions.

1. **Change to Responses required: one original and 1 copy and 1 electronic copy on USB.**
2. **References to contract time are changed to:**

Section 1.11.1 is changed to read

It is anticipated that the Notice to Proceed for the preconstruction phase of the project will be issued in MARCH 2023. It is anticipated that the Notice to Proceed for the construction phase of the project will be issued in SEPTEMBER 2023. The project is estimated to be substantially completed within 455 calendar days after the Notice to Proceed for the construction phase is issued.

Attachment 1 – Respondent's Pricing Proposal Form:

5. **RESPONDENT'S NOT-TO-EXCEED GENERAL CONDITIONS COSTS:** Using the intended **Notice to Proceed date of September 2023 and Substantial Completion deadline of December 2024**, the Respondent shall provide pricing for fulfilling the project general conditions. Said pricing may be either a lump sum amount or a percentage of the CMBL.



**RFP 23-015 Construction Manager-at-Risk for  
Zipp Family Sports Complex  
PRE-PROPOSAL CONFERENCE MINUTES  
February 14, 2023 at 10 a.m.**

3. Does the Surety Letter requested in Section 1.8.4.2 cover the “proof of bonding” needed or will you also be needing the 5% Bid Bond referenced in the attachments.

The city has decided to utilize the Surety Letter as outlined in Section 1.8.4.2 and not require the Bid Bond.

Attendee Report

Report Generated: 2/14/2023 13:37

| Topic                    | Webinar ID    | Actual Start Time | Actual Duration (m | # Registered |
|--------------------------|---------------|-------------------|--------------------|--------------|
| Pre-Proposal Meeting for | 810 8313 1248 | 2/14/2023 9:51    | 35                 | 17           |

Host Details

| Attended | User Name (Original Nam Email           | Join Time      | Leave Time      |
|----------|---|----------------|-----------------|
| Yes      | City of New Braunfels zoom3@nbtexas.org | 2/14/2023 9:51 | 2/14/2023 10:26 |

Panelist Details

| Attended | User Name (Original Nam Email                          | Join Time       | Leave Time      |
|----------|--|-----------------|-----------------|
| Yes      | Joshua Niles jniles@newbraunfels.gov                   | 2/14/2023 9:56  | 2/14/2023 10:26 |
| Yes      | Scott Stoddard# Norris D taylor@norris-design.com      | 2/14/2023 9:59  | 2/14/2023 10:26 |
| Yes      | Mark Meadows @Norris l taylor@norris-design.com        | 2/14/2023 10:00 | 2/14/2023 10:26 |
| Yes      | Nathan Garza Ngarza@newbraunfels.gov                   | 2/14/2023 9:57  | 2/14/2023 10:26 |
| Yes      | Scott McClelland smcclelland@newbraunfels.gov          | 2/14/2023 9:55  | 2/14/2023 10:26 |
| Yes      | Joe Daly jdaly@norris-design.com                       | 2/14/2023 9:59  | 2/14/2023 10:26 |
| Yes      | Elias Haddad ehaddad@walkerpartners.com                | 2/14/2023 9:59  | 2/14/2023 10:26 |
| Yes      | David Smith dsmith@walkerpartners.com                  | 2/14/2023 9:55  | 2/14/2023 10:26 |
| Yes      | S. Jared Niermann jniermann@walkerpartners.com         | 2/14/2023 9:52  | 2/14/2023 9:56  |
| Yes      | S. Jared Niermann jniermann@walkerpartners.com         | 2/14/2023 9:57  | 2/14/2023 9:57  |
| Yes      | S. Jared Niermann# Walk jniermann@walkerpartners.com   | 2/14/2023 9:59  | 2/14/2023 10:26 |
| Yes      | Jessica Johnson# Walker l jniermann@walkerpartners.com | 2/14/2023 9:59  | 2/14/2023 10:26 |
| Yes      | Brenadette Faust BFaust@newbraunfels.gov               | 2/14/2023 9:55  | 2/14/2023 10:26 |

Attendee Details

| Attended | User Name (Original Nam First Name | Last Name | Email                     |
|----------|------------------------------------|-----------|---------------------------|
| Yes      | Benjamin Robertson Benjamin        | Robertson | brobertson@tsbyrne.com    |
| Yes      | Heather Smithhart Heather          | Smithhart | hsmithhart@tsbyrne.com    |
| No       | Tony Tony                          | Battle    | tbattle@tsbyrne.com       |
| Yes      | Keith Bender Keith                 | Bender    | kbender@tsbyrne.com       |
| Yes      | Keith Bender Keith                 | Bender    | kbender@tsbyrne.com       |
| Yes      | Keith Bender Keith                 | Bender    | kbender@tsbyrne.com       |
| Yes      | Keith Bender Keith                 | Bender    | kbender@tsbyrne.com       |
| Yes      | Keith Bender Keith                 | Bender    | kbender@tsbyrne.com       |
| Yes      | Keith Bender Keith                 | Bender    | kbender@tsbyrne.com       |
| Yes      | Chad Yount Chad                    | Yount     | cayount@sundt.com         |
| Yes      | Clinton Witherell Clinton          | Witherell | cswithere@l@sundt.com     |
| Yes      | Clinton Witherell Clinton          | Witherell | cswithere@l@sundt.com     |
| Yes      | Mallory Ottino Mallory             | Ottino    | mottino@joeris.com        |
| Yes      | Melodye Tomsu Melodye              | Tomsu     | mtomsu@joeris.com         |
| Yes      | Janet Dusek Janet                  | Dusek     | jdusek@joeris.com         |
| Yes      | Nash Mock Nash                     | Mock      | nmock@trihydro.com        |
| Yes      | Robin Falke Robin                  | Falke     | Robin.Falke@SpawGlass.com |
| Yes      | Robin Falke Robin                  | Falke     | Robin.Falke@SpawGlass.com |
| Yes      | Daniel Gunn Daniel                 | Gunn      | danielg@marksmengc.com    |
| Yes      | Richard Gonzalez Richard           | Gonzalez  | richardg@mnlsa.com        |
| Yes      | Jeremy Charo Jeremy                | Charo     | jeremyc@mnlsa.com         |
| Yes      | Callie Carter Callie               | Carter    | cbcarter@hoar.com         |
| Yes      | Timothy Sortore Timothy            | Sortore   | tsortore@guidoco.com      |
| Yes      | Ashley Nelson Ashley               | Nelson    | anelson@guidoco.com       |

Other Attended

| User Name   | Join Time      | Leave Time      | Time in Session (mi Is Guest |
|-------------|----------------|-----------------|------------------------------|
| 15123820021 | 2/14/2023 9:59 | 2/14/2023 10:26 | 27 Yes                       |

**RFP 23-015 Construction Manager-at-Risk for  
Zipp Family Sports Complex  
Addendum 1  
February 22, 2023**

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**Clarifications:**

1. The specifications included with the solicitation require changes and updating. Development of the final specifications will be conducted during the CMAR Design Phase.
2. Change to number of responses required:  
one original and 1 copy and 1 electronic copy on USB.
3. References to contract time are changed to:  
Section 1.11.1 is changed to read:  
It is anticipated that the Notice to Proceed for the preconstruction phase of the project will be issued in MARCH 2023. It is anticipated that the Notice to Proceed for the construction phase of the project will be issued in SEPTEMBER 2023. The project is estimated to be substantially completed within 455 calendar days after the Notice to Proceed for the construction phase is issued.
4. **Attachment 1 – Respondent’s Pricing Proposal Form:**  
RESPONDENT’S NOT-TO-EXCEED GENERAL CONDITIONS COSTS: Using the intended Notice to Proceed date of September 2023 and Substantial Completion deadline of December 2024, the Respondent shall provide pricing for fulfilling the project general conditions. Said pricing may be either a lump sum amount or a percentage of the CMBL.
5. Does the Surety Letter requested in Section 1.8.4.2 cover the “proof of bonding” needed or will you also be needing the 5% Bid Bond referenced in the attachments.  
The city has decided to utilize the Surety Letter as outlined in Section 1.8.4.2 and not require the Bid Bond.
6. Will a Geotechnical report be issued?  
A Geo report is included as an attachment.
7. Will Architectural Drawings and specifications be issued for the PEMB Maintenance Building?  
The PEMB Maintenance Building drawings are included as an attachment.