



Legislation Details (With Text)

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On agenda: 5/18/2021 **Final action:** 5/18/2021
Title: Ordinance Amending the City's FY 2020 - 2021 Performing Arts Center Capital Project Fund Budget in the Amount of \$625,600

Sponsors:

Indexes:

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Attachments: 1. 21-0340 Ord Performing Arts Barnhill #3.pdf

Date	Ver.	Action By	Action	Result
5/18/2021	1	City Council	adopt	Pass

Ordinance Amending the City's FY 2020 - 2021 Performing Arts Center Capital Project Fund Budget in the Amount of \$625,600

Council Priority: Create an Environment to Promote Economic Development Opportunities and Job Creation

Department: Coliseum

Council District: 3

Public Hearing: n/a

Advertising Date/By: n/a

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PURPOSE: Consider adoption of a budget ordinance amendment in the amount of \$625,600 to appropriate funds for the Steven B. Tanger Center for the Performing Arts project to amend Contract 2018-0110 with Barnhill Contracting Company (Change Order #3) to complete improvements to the landscape irrigation cistern, north stage wall exterior lighting, parking entrance gate and fencing, box office entrance canopy, service elevator and to make final readiness preparations for the facility and administrative offices to open.

BACKGROUND: The City acquired various downtown properties for the Steven B. Tanger Center for the Performing Arts (Center). It is also responsible for managing Center design services and construction and equipment contracts that are being funded from bonds, private donations and other project revenues of \$51.610 million and \$41.826 million in donations transferred to the City from the Community Foundation of Greater Greensboro.

The City has recently raised additional private fund donations of \$150,000 from two more organizations to

supplement and/or enhance the project, increasing the total donations raised directly by the City to \$5,075,000 from ten (10) entities. These funds are being paid in annual installments ranging from 1-10 years, with the funds being paid between 2017 and 2029. The City has collected \$3,170,000 of the donations with a balance of \$1,905,000 to be collected over the next eight years. Additional unbudgeted non-taxpayer revenues also remain in the fund prior to project closeout.

This Change Order #3 in the amount of \$714,000 is proposed at the May 18, 2021 City Council meeting and is necessary to provide funding for additional work that was not funded in Barnhill's original contract or subsequent change orders.

After this project was bid, it was determined that the following additional improvements were necessary to complete the project: landscape irrigation cistern, box office entrance canopy, North stage wall exterior lighting, parking entrance gates, fencing, administrative offices, and a service elevator.

City Council originally approved a construction contract award in the amount of \$57,900,000 to Barnhill Contracting Company in December 2017 for Phase 2 work. The M/WBE goals for the construction contract were 10% MBE and 10% WBE. Although Barnhill Contracting Company did achieve over 50 GFE points for a good faith effort on bid day, the contractor only received 0.50% MBE and 2.62% WBE participation for a total M/WBE response of 3.1% or \$1,766,528 between 3 M/WBE subcontractors, approved by both the M/WBE office and the City Council.

Change Order #1 extended the contract completion date by twelve (12) days to January 5, 2020 and had no impact on M/WBE participation.

Change Order #2 increased the total contract award to \$60,505,000 and increased M/WBE participation to 2.49% (\$1,521,474) MBE and 8.01% (\$4,902,950) WBE for a total of 10.49% M/WBE participation or \$6,424,424.

Change Order #3 increases the total contract award to \$61,219,000 and the contractor is committed to utilizing no less than 3 MBE and 3 WBE subcontractors for a total of 18.6 % of \$714,000 or \$133,000 more as part of this Change Order #3, or 10.7% for the overall contract, if approved.

Barnhill Contracting Company has issued contracts to and has paid 23 local M/WBE subcontractors.

BUDGET IMPACT: No General Fund expense or revenue accounts will be impacted. To date, \$4,925,000 of additional non-taxpayer Sponsorship funding to the City have been budgeted, and, at this time, the balance of \$150,000 needs to be budgeted. An advance of \$150,000 will be made from the Hotel/Motel Tax Fund to the Performing Arts Center Project Fund, with the advance to be repaid to Hotel/Motel Tax Fund from future donation installment payments. Additional appropriations for this contract change order will be funded from unbudgeted project fund interest earnings received of \$164,830, unbudgeted project fund sales tax received of \$110,770, and from within existing project account appropriations, which will need to be adjusted, accordingly. Furthermore, transfers of \$100,000 of funds received in the Coliseum Operating Fund, generated from Ticketmaster service agreements, (required to be used for fan enhancements) and \$100,000 of funds from the North Carolina Nurserymen's Landscape Association (required to be used to support the irrigation cistern project) will be necessary from the Coliseum Operating Fund to complete this final contract change order funding. With this budget amendment, the Tanger Center project budget specifically for land acquisition, construction and equipping will be increased to approximately \$88.6 million.

Summary of funding sources for proposed \$714,000 Barnhill Contracting Company Change Order #3:

\$150,000 New private donations to City
\$100,000 NC Nurserymen's Landscape Association funds for irrigation cistern
\$164,830 Additional unbudgeted interest earned in project fund
\$110,770 Additional unbudgeted sales tax received in project fund
\$100,000 Ticketmaster service agreement revenue, required to be used for fan enhancements
\$625,600 Subtotal of Appropriations Needed

\$ 88,400 Existing project account appropriations
\$714,000 Total Change Order #3 - Barnhill Contracting Company

RECOMMENDATION / ACTION REQUESTED: The Coliseum and Finance Departments recommend that City Council approve the attached budget ordinance amending the Performing Arts Center Project Fund in the amount of \$625,600 and that the necessary budget adjustments for existing account appropriations to conform, also be approved.