



Mission Consolidated Independent School District  
• 1201 Bryce Drive • Mission, Texas 78572  
• Telephone (956) 323-5505 • Fax (956) 323-5634  
• Website: [www.mcisd.net](http://www.mcisd.net)

## *Notice and Agenda*

The Board of Trustees of the Mission Consolidated Independent School District will hold a **Special Board of Trustees Meeting** on **Wednesday, February 3, 2021, at 7:30 PM** in the **by Video Conference or Telephone Call**. At this meeting, the Board may deliberate or act on any of the subjects listed on the following agenda. The President may change the order of items listed below for the convenience of the Board.

**In accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act, a quorum of the District's Board of**

**Trustees will hold its regular Board meeting by videoconference or teleconference. The public will have the**

**option to attend and participate in the meeting remotely by videoconference or by teleconference.**

**Members of**

**the public may access this meeting as follows:**

<https://mcisd.webex.com/mcisd/onstage/g.php?MTID=e39370eed12622076e7304275b3c203f9>

**United States Toll Free**

**1-844-992-4726**

**United States Toll**

**+1-408-418-9388**

**Access Code: 146 603 3134**

**Further information on joining the meeting will be available at the Mission CISD's website at**

**www.mcisd.net Public Comment:**

**Members of the public wishing to make public comment during the meeting must register by emailing [agallardo@mcisd.org](mailto:agallardo@mcisd.org) before 4:00 p.m. on the date of the meeting. The Member of the Public (Member) must provide the following information in the email:**

- 1. The subject the Member will discuss;**
- 2. A telephone number at which the Member of the Public may be reached;**
- 3. The name of the interpreter and the contact information for the interpreter if the Member requires an interpreter to provide public comment; and**
- 4. Whether the registrant will require the use of a TTY service to facilitate the public comment.**

## **A G E N D A**

**I. Call to Order and Establish Quorum**

**II. Pledge of Allegiance and Moment of Silence**

- 1. U. S. Flag and Texas Flag -**

**III. Public Comment(s) on Specific Agenda Item(s)**

**IV. Discussion and Possible Action**

**1. Report regarding Tom Landry Stadium**

**2. Discussion and Possible Action to Procure Engineering Services for Analysis and Remediation for the Tom Landry Stadium Project and to Grant Administration Authorization to Procure Services**

**3**

**V. Executive Session**

**1. Private Consultation with Board Attorney (Texas Gov't Code § 551.071)**

**VI. Action, if Necessary, on Matters Discussed in Executive Session**

**VII. Adjournment**

**In accordance with the Texas Open Meetings Act, the Board may enter into a closed meeting to deliberate any item that is listed above that fits within an exception listed in Subchapter D. Any final action, decision, or vote on a subject deliberated in closed meeting will be taken in an open meeting held in compliance with the Texas Open Meetings Act.**

**This Notice was posted by 7:00 p.m.. on January 29, 2021**

Handwritten signature of Carol G. Perez in cursive script.

**Dr. Carol G. Perez, Superintendent of Schools  
Mission Consolidated Independent School District**

**SUBJECT:** Discussion and Possible Action to Procure Engineering Services for Analysis and Remediation for the Tom Landry Stadium Project and to Grant Administration Authorization to Procure Services

**PRESENTER:** Ricardo Rivera  
Assistant Superintendent for Operations

### **BACKGROUND INFORMATION**

#### **STADIUM:**

Tom Landry Stadium was built in approximately 1976 and additional seating was installed in approximately 1989. It currently has only four (4) handicap seating spaces on both the home and visitors side. The home side has a seating capacity for 5000 persons and the visitor's side has a seating capacity for 4000 persons.

At the Regular Board of Trustees meeting held on Wednesday, August 11, 2010 the Board approved a structural assessment to be conducted by Rick Hinojosa Structural Engineering. A report was completed on August 27, 2010. No further action was taken.

At a football game on September 26, 2013 and at the Regular Board of Trustees meeting of Wednesday, October 09, 2013, a concerned citizen brought to attention the fact that Tom Landry Stadium was not in compliance with the American Disabilities Act (ADA) current code concerning the required handicap seating spaces. As per ADA the breakdown for seating is 6 spaces for 1 – 500 seats then 1 seat for every 150 additional seats. As per calculations required additional seating on the home side will be 36 ADA seats and on the visitors side will be an additional 30.

On October 08, 2013 I contacted Mr. Tim Petty, Program Specialist V with the Texas Education Agency (TEA) to discuss this issue and he confirmed that we were not in compliance with current codes and standards concerning stadium seating.

At the Regular Board of Trustees meeting held on Wednesday, December 11, 2013 and after consultation with our legal counsel, the Board approved for renovations to the Tom Landry Stadium Press Box and for the additional required ADA stadium seating.

The current press box is approximately 30 years old and has never been renovated. When new bleacher seating was installed the press was moved by crane to its current location. With the installation of a new scoreboard additional staff will need to be placed in the press box to operate the system. Currently approximately nine persons are in the box, however, it is now estimated that up to twenty-two persons may be in the box at any given time. This added weight along with the additional weight of chairs and equipment may cause a stress on the structure. As per our legal counsel, there is no legal law that states that the structure needs to be evaluated, however, for safety precautions

Administration is considering a structural assessment study to be conducted on the press box to ensure that the structure is capable of sustaining the additional weight.

At the Regular Board of Trustees meeting held on Wednesday, March 20, 2013 Administration presented and the Board approved Consideration and Approval to Contract with Rick Hinojosa Engineering for a Re-Assessment of the Tom Landry Stadium Press Box.

At the Regular Board of Trustees meeting held on Wednesday, April 10, 2013 the Board was advised that due to concerns and possible code regulations requiring an elevator to be installed for the press box, inquiries were made to Mr. David Hansen, Legal Counsel. As per building code an elevator is required should the square footage of a press box be larger than 500 sq.ft.. Our current press box is approximately 40' X 8' which is 320 sq.ft.. However, should only renovations be required without the addition of sq. footage the initial structural assessment will need to be considered. Furthermore, it is the responsibility of the structural engineer to make the decisions of what is currently within building codes and regulations even if it is only renovations. The possible recommendation of constructing adjacent press boxes may still require an elevator to be installed. The sq. footage requirement applies to the "aggregate" total sq. footage of all press boxes. Again, it will be the responsibility of the structural engineer to make that determination. Renovations to include floor support, the construction of an interior wall, counter tops, sliding windows.

At the February 05, 2014 Facilities Committee meeting, a presentation by Rick Hinojosa Structural Engineering stated that current plans to improve the press box must include the installation of an elevator or a ramp access to the press box as per the State of Texas current code. At this meeting the committee decided to cancel the press box renovation project.

At the Special Board of Trustees Meeting held on Wednesday, April 20, 2016, the Board approved the following:

Administration is again exploring the possibility of a stadium renovation to include a new press box, new reserve section seating with back rests, new concession stands, new concrete base under the bleachers along with new bleachers to meet current ADA rules and regulations. New bleachers to also include those at Leo Najó Baseball Park.

Administration is requesting approval to advertise for Request for Qualifications (RFQ's) for architectural/civil engineer services as the recommended process for the selection.

The ranking of Request for Qualifications responses must be on the basis of demonstrated competence, qualifications, capability to perform, the past performance of the firm and members of the firm, and other appropriate factors submitted by the firm in response to the request for qualifications, except that cost-related or price related evaluation factors are not permitted as provided by Section 2254.004, Government Code.

If approved, Administration will begin advertising for architects and then begin the process of reviewing the firms as per the RFQ's and schedule presentations for the Board to review and possibly select a firm.

Advertisements for Request for Qualifications (RFQ's) for architects were advertised in the local newspaper on Wednesday, June 1<sup>st</sup> and June 8<sup>th</sup>, 2016 along with being posted on the MCISD website. RFQ's were due at Central Office on Thursday, June 23, 2016 at 2:00 p.m...

Three (3) architectural firms submitted an RFQ and they were reviewed for completeness and adherence to the instructions of the request by Mr. Roosevelt Rios, Purchasing Coordinator and Ms. Tammy Tijerina, Project Manager on Thursday, July 28, 2016. The firms are listed below:

PBK Architects GIGNAC  
& Assoc.  
Alvarado Architects

This agenda item and presentation(s) were originally scheduled for Wednesday, August 03, 2016, however, they were postponed for a later date and time.

At the Facilities/Environment Committee held on Wednesday, August 24, 2016, the three ranked firms were invited to make a presentation to a Special Facilities/Environment Committee meeting and those Board members in attendance. The Committee allowed the firms a 15 minute presentation session along with a 15 minute question and answer session. The Committee along with Mr. Ricardo Rivera evaluated and ranked the firms on the basis of demonstrated competence and qualifications pursuant to the Professional Services Procurement Act as per the presentations. The rankings were then presented at the Special Board of Trustees meeting for consideration and approval for the selection of services.

At the Special Board Meeting held on Wednesday, August 24, 2016, the Board approved the rankings and selection of Alvarado Architects for services for the Tom Landry Stadium Renovations Project.

At the Regular Board Meeting held on Wednesday, September 14, 2016, the Board approved the contract for Alvarado Architects for the Tom Landry Stadium Renovations Project.

At the Regular Board Meeting held on Wednesday, November 09, 2016, the Board approved the project and budget, the procurement method and Alvarado Architects request of Schematic Design and Design Development for the Tom Landry Stadium Renovations Project. Alvarado Architects, District Staff and Coaches have been working on the design due to the extremely tight timeline, this project has to be completed by late July 2017. Current design will have new concession stands, new parking, new parking over-lay where needed, concrete area below home side, new stadium facia, new complete seating bleachers at both home and visitor side, home side reserved

seating to have back rests, seating and ramps to be ADA compliant, new ticket booths, press box with elevator as recommended design, new stadium lighting as required along with other required items needed for the project.

At the Regular Board meeting held on Wednesday, December 14, 2016, the Board approved Alvarado & Associates final design and Approval for 24 Inch Wide Seats in the Reserved Section for the Tom Landry Stadium Renovations Project.

Advertisements in the local newspapers and at the Association of General Contractors Office (AGC) were posted on December 18, 2016 and December 25, 2016 for the new design. A pre-proposal meeting was held on Tuesday, January 10, 2017 at 2:00 P.M. at Central Office.

Proposals were publicly opened on Tuesday, January 17, 2017 at 4:00 P.M. at Central Office. Pre-ranking of the proposals were conducted by Mr. Roosevelt Rios, Mr. Albert Rodriguez and Mr. Adrian Hernandez, Project Manager on Tuesday, January 17 and Wednesday, January 18, 2017.

At the Facilities Committee meeting the Committee reviewed the pre-ranking of firms and then proceeded to officially rank the firms proposals. These rankings will then be presented to the Board of Trustees for consideration and approval for entering into negotiations in the order of ranking recommended at a special called meeting on Monday, January 23, 2017 at 7:30 a.m..

Pre-ranking of proposals by Administration is merely a district process to pre-check if all requested documents and information in the Request for Proposals (RFP) was submitted prior to the Evaluation and Selection Committee formal evaluation. The pre-ranking of proposals is strictly unofficial. The Request for Proposal (RFP) package includes document CSP – 00350 Evaluation and Selection Criteria for Competitive Sealed Proposals which defines this portion of the procurement process. The District Evaluation and Selection Committee is comprised of three (3) Board of Trustees Facilities Committee Members and one (1) appointed Administration Staff. The Evaluation and Selection Committee will evaluate, rank and publish all proposals. The Evaluation and Selection criteria has been approved by the Mission C. I. S. D.'s Board. Once the M. C. I. S. D. Board of Trustees approves the ranking, the District Evaluation and Selection Committee will then proceed to negotiate a contract with the highest-ranking Proposer.

### Pending

The Finance department in conjunction with the districts finance consultants have been designing a funding package for this project. In order to ensure this project under this funding source be securely financed Administration is recommending to adjust the contingency budget by an increase of \$2 million. Thus, the total construction budget to include all soft-costs will not exceed \$10 million.

Three proposals were submitted for this project and were ranked by the Facilities Committee as per MCISD guidelines and procedures. The Board must now consider

the rankings and approve to enter into negotiations with the top ranked firms in the order selected. Rankings listed below:

<u>Company</u>	<u>Base Proposal</u>	<u>Alt. #1</u>	<u>Days</u>
Holchemont Const. (291)	\$7,463,000.00	(\$287,000.00)	235
E-Con Const. (287.6)	\$7,450,000.00	\$210,000.00	180
Central Builders (260.2)	\$8,000,000.00	\$500,000.00	180

Note:

Alternate #1 is for a larger custom built press box of which Administration recommends approving. Both E-Con Construction and Central Builders have an additional cost for this alternate, as per Holchemont Construction their base bid includes the larger custom press box. Should MCISD select the smaller pre-fabricated press box Holchemont has a \$287,000.00 deduct from their base bid. The intention is for a notice to proceed (NTP) to be issued on or before February 01, 2017 with a substantial completion date of July 31, 2017, which is 180 days, Holchemont has a substantial completion date of September 24, 2017. Proposals and days are all prior to negotiations.

At a Special Board of Trustees meeting to be held on Monday, January 23, 2017, the Board will consider and possibly approve the rankings to allow negotiations to begin. It is Administrations intent to bring forward at the Regular Board of Trustees meeting to be held on Wednesday, January 25, 2017 an approval and recommendation for a best and final offer (BAFO) and to enter into contract with the selected general contractor. It is MCISD's construction procurement process to present all items for Facilities Committee discussion prior to presenting to the Board of Trustees for final approval.

At the Regular Board of Trustees meeting held on Wednesday, January 25, 2017, the board approved the best and final offer (BAFO) from Holchemont in the amount of \$7,463,000.00 with alternate #01 custom press box included as part of the contract. Notice to proceed (NTP) was issued on February 02, 2017 with a substantial completion date of August 21, 2017.

At the Regular Board of Trustees meeting held on Wednesday, April 12, 2017, the board approved and pulled the following items:

Consideration and Approval of AEA #01 for CPR #02 to Furnish and Install Sports Lighting for the Tom Landry Stadium Renovations Project.

Sports Lighting Allowance: \$600,000.00 AEA  
 #01 Sports Lighting: \$580,392.00  
 Balance: \$ 19,608.00

Consideration and Approval of AEA #02 for CPR #03 to Furnish and Install a Scoreboard Sound System for the Tom Landry Stadium Renovations Project. Item was pulled for further pricing on additional speakers throughout the stadium.

Consideration and Approval of AEA #03 for CPR #04 to Furnish and Install Football Safety Netting System for the Tom Landry Stadium Renovations Project. Item was pulled due to MCISD having the netting and poles and only required pricing for the installation.

Consideration and Approval of AEA #04R to "Credit" the Allowances for the Tom Landry Stadium Renovations Project. Item was pulled due to other items being pulled thus not being able to present an accurate balance total.

Consideration and Approval of CPR #06 to Change the Size of the Bronze Statue for the Tom Landry Stadium Renovations Project.

Bronze Statue Allowance:	\$ 50,000.00
CPR#06 Bronze Statue:	<u>\$129,400.00</u>
Bronze Statue Allowance Balance:	(\$ 79,400.00)

Due to inclement weather in the month of March Holchemont Construction requested additional delay days, thus, they presented Consideration and Approval of CPR #09 for Seven (7) Delay Days for the Tom Landry Stadium Renovations Project. The new substantial completion date is August 28, 2017.

Administration presented Consideration and Approval of Selection of Color and Pattern for the Reserved Seating on Home Side for the Tom Landry Stadium Renovations Project. The Board approved option #1 alternating colors.

At the Regular Board of Trustees meeting held on Wednesday, May 10, 2017, the Board approved and pulled the following items:

Contingency Allowance:	\$100,000.00
AEA #01 Sports Lighting:	\$ 19,608.00
CPR #6 Bronze Statue:	<u>\$ (79,400.00)</u> Contingency
Balance:	\$ 40,208.00

Consideration and Approval of AEA #03R for CPR #04 to Furnish and Install Football Safety Netting System for the Tom Landry Stadium Renovations Project.

Football Safety Net System Allowance:	\$10,000.00
AEA#03 Football Safety Net System:	<u>(\$ 7,500.00)</u>
Balance:	\$ 2,500.00

Consideration and Approval of CPR #08 to Construct a Riser Room / Fire Pump for the Tom Landry Stadium Renovations Project.

Fire Suppression Pump Allowance Balance:	\$ 50,000.00
CPR # 08 Riser Room:	<u>\$ 110,428.53</u>

Balance:	(\$ 60,428.53)
Contingency Balance:	\$40,208.00
CPR #8 Riser Room:	(\$60,428.53)
Plus Overhead and Profit	<u>(\$2730.47)</u>
Contingency Balance:	(\$22,951.00)

Due to inclement weather in the month of April and MCISD testing Holchemont Construction requested additional delay days, thus, they presented Consideration and Approval of CPR #09 for Eight (8) Additional Delay Days for the Tom Landry Stadium Renovations Project. The new substantial completion date is September 05, 2017.

Note: The first scheduled football game is for Friday, September 01, 2017 with VMHS vs Harlingen. Substantial completion is granted when the facility can be utilized for its intended use. The City of Mission Fire Marshal must approve the facility to include all fire systems are inspected and tagged “approved” along with all ADA inspections and approvals and to include the inspection and approval of the elevator system and to include any other inspections required. Coaches are working on a Plan “B” should the stadium not be completed on time.

Administration recommended Consideration and Approval of Re-naming for the Tom Landry Stadium Renovations Project as “Tom Landry Hall of Fame Stadium”.

Administration recommended Consideration and Approval of Selection of Color for Reserved Seating on Home Side for the Tom Landry Stadium Renovations Project.

Recommendation is based on the colors selected by Coach Detmer, Coach Gilpin, Athletic Director Joe Sanchez and Athletic Director Leticia Ibarra.

Royal Blue  
Texas A&M – Maroon

After a lengthy discussion on possible color dis-coloration of the royal blue and maroon seats the Board approved “grey” for the reserved seating.

Alvarado Architects presented a “pose” selection on the statue. At the Facilities Committee meeting held on Wednesday, May 03, 2017, the Committee along with members of the Campus Construction Over-Sight Committee members reviewed and discussed the five (5) options of poses brought forward by Mr. Alvarado. By virtue of the discussion and by show of hands, options #1 and #4 were selected for presentation to the Board. The Board approved Consideration and Approval of Tom Landry Statue Pose for the Tom Landry Stadium Renovations Project Option #1.

At the Facilities/Environment Committee meeting held on Wednesday, June 07, 2017 several CPR’s were presented and discussed. These CPR’s may become change orders should current available allowances not cover the over-budget of the project

when it is finalized. MCISD Administration stressed to Alvarado Architects and Holchemont Construction the discontent of change orders and requests for additional construction time. Administration stressed the importance of having the project completed as per the original substantial completion date.

At a Special Board of Trustees meeting held on Wednesday, June 07, 2017, the Board granted Superintendent Dr. Ricardo Lopez authority to approve change orders/change proposal request for the Tom Landry Stadium Renovations Project in the amount not to exceed a total of \$250,000.00. This action was to facilitate the change order/CPR process and not delay the general contractor waiting for a decision.

The following Change Orders/CPR's were approved by Superintendent Dr. Ricardo Lopez on Wednesday, June 07, 2017:

Supt. Approval Balance:	\$250,000.00
CPR#05R Structural Steel:	\$ 31,824.00
CPR#06R Bronze Statue Foundation:	\$ 12,161.00
CPR#11 for MEP changes at the Press Box:	\$ 8,674.00
CPR#14 for HVAC at the Gift Shop:	\$ 12,268.00
CPR#19 for Additional Gates for Eagle Drive:	<u>\$ 1,816.00</u>
Supt. Approval Balance:	\$183,257.00

Consideration and Approval of CPR#05R for Structural Steel between Grandstands and Custom Press Box for the Tom Landry Stadium Renovations Project.

Contingency Balance:	(\$22,951.00)
Structural Steel Additions Cost:	<u>\$31,824.00</u>
Contingency Balance:	(\$54,775.00)

Consideration and Approval of CPR#06R for Bronze Statue Foundation and Base for the Tom Landry Stadium Renovations Project.

Contingency Balance:	(\$54,775.00)
Bronze Statue Base Foundation Cost:	<u>\$12,131.00</u>
Contingency Balance:	(\$66,906.00)

Consideration and Approval of CPR#11 for MEP changes at the Press Box for the Elevator for the Tom Landry Stadium Renovations Project. Holchemont, LTD is requesting eight (8) additional day, if approved, the new substantial completion date is September 13, 2017. As per Alvarado Architects additional days will not be submitted.

Contingency Balance:	(\$66,906.00)
Electrical at press box Cost:	<u>\$ 8,674.00</u>
Contingency Balance:	(\$75,580.00)

Consideration and Approval of CPR#14 for HVAC at the Gift Shop for the Tom Landry Stadium Renovations Project.

Contingency Balance:	(\$75,580.00)
HVAC at gift shop Cost:	<u>\$12,268.00</u>
Contingency Balance:	(\$87,848.00)

Consideration and Approval of CPR#19 for Additional Gates for Eagle Drive for the Tom Landry Stadium Renovations Project

Contingency Balance:	(\$87,848.00)
Gates at Eagle Drive Cost:	<u>\$ 1,816.00</u>
Contingency Balance:	(\$89,664.00)

At the Regular Board of Trustees meeting held on Wednesday, June 21, 2017, The Board did not approve Consideration and Approval of CPR#20 for Additional Four (4) Rain Days for the Month of May for the Tom Landry Stadium Renovations Project.

\*Note: After meeting with Alvarado Architects and Holchemont LTD, they were advised that Administration will be questioning any further delay days submitted and that Holchemont should continue working on a recovery schedule plan to attempt to bring this project at the initial substantial completion date of August 21, 2017.

The following Change Orders/CPR's were approved by Superintendent Dr. Ricardo Lopez on Thursday, June 29, 2017 in order to have the project continue without contractor delays:

Supt. Approval Balance Granted:	\$183,257.00
CPR#12 Track Timing System:	<u>\$ 45,322.00</u>
Supt. Approval Balance:	\$137,935.00

Change Order Amount to Date: (\$134,986.00)

Note: General Contractor has added 12% overhead and profit and 1.5% for project bonding on all change order amounts.

Soil Stabilization Allowance:	\$10,000.00
CPR #16 Soil Stabilization:	<u>\$10,000.00</u>
Balance:	\$ 0.00

Utility Allowance:	\$20,000.00
CPR #21 Boring & Trenching:	<u>\$16,830.00</u>
Balance:	\$3,170.00

At the Special Board of Trustees Meeting to be held on Thursday, July 27, 2017, Administration presented to the Board Consideration and Approval of CPR#15 for

Graphics for the Tom Landry Stadium Renovations Project. This amount is to be taken from the graphics allowance already included in the original contract.

Graphics Allowance Balance:	\$100,000.00
Banner system:	(\$ 51,148.50)
Identification signage:	(\$ 26,815.00) Bleacher
section signage:	(\$ 13,625.00)
Traffic signage:	(\$ 2,136.00)
Fire lane striping:	<u>(\$ 3,700.00)</u>
Balance:	\$ 2,575.50

At the Regular Board of Trustees meeting held on Wednesday, August 09, 2017, the Board considered and approved some of the following items:

As per our Legal Counsel, the Board did not need to vote on agenda item, Consideration and Approval of Additional Seven (7) Delay Days for AEA#11 for CPR #21 for the Tom Landry Stadium Renovations Project which was previously denied but being brought forward by Holchemont, LTD. once again for consideration. The Board had stated it would possibly revisit this request and no action was taken.

Consideration and Approval of AEA#12 for CPR #22 for Landscaping and Irrigation for the Tom Landry Stadium Renovations Project.

Landscape/Irrigation Allowance:	\$20,000.00 CPR#22
Landscape & Irrigation:	<u>\$17,383.00</u>
Balance:	\$ 2,617.00

Consideration and Approval of AEA#13 for CPR #24 to Up-grade the Scoreboard System for the Tom Landry Stadium Renovations Project.

Scoreboard Sound System Allowance:	\$55,000.00 CPR#24
Scoreboard System:	<u>\$34,934.00</u>
Balance:	\$20,066.00

Consideration and Approval of CPR #23 for Speaker System for the Tom Landry Stadium Renovations Project. This agenda item was pulled.

At the Regular Board of Trustees meeting held on Wednesday, September 13, 2017, the Board revisited and approved Consideration and Approval of Additional Seven (7) Delay Days for AEA#11 for CPR #21 for the Tom Landry Stadium Renovations Project. As of the date of this Board of Trustees meeting Holchemont LTD will be into possible liquidated damages as per contract of \$1,500.00 per day of not meeting the substantial completion date. Administration brought forward this request, the new substantial completion date is September 12, 2017.

At the Regular Board of Trustees meeting held on Wednesday, October 11, 2017, the Board took the following actions for the following items:

Consideration and Approval of CPR #12R3 for Additional Power for the Tom Landry Stadium Renovations Project. Please note that Holchemont, LTD will require and extra four (4) days. If approved, the new substantial completion date is September 16, 2017. This item was pulled until further review.

Note: MCISD does not agree with this pricing, however, there will be a cost associated with installing conduits within the concrete slab which was done earlier. If the revised pricing is not approved MCISD Maintenance will complete the electrical connections.

Contingency Balance: (\$134,986.00)  
CPR#12R3 for Additional Power: \$ 0.00 (Org. price \$10,134.42) Change  
Order Amount to Date: (\$134,986.00)

Consideration and Approval of CPR #12R5 for Additional Cabling for Track Timing System for the Tom Landry Stadium Renovations Project. Please note that Holchemont, LTD will require and extra fourteen (14) days. If approved, the new substantial completion date is September 30, 2017. This item was pulled until further review.

Contingency Balance: (\$134,986.00)  
CPR#12R5 Additional Cabling: \$ 0.00 (Org. price \$54,468.65) Change  
Order Amount to Date: (\$134,986.00)

Consideration and Approval of CPR #17 to "Credit" Two (2) Wireless Access Points, Shortel Phone and Video Server for the Tom Landry Stadium Renovations Project. This item was approved.

Contingency Balance: (\$134,956.00)  
CPR#17 "Credit" on Technology: \$ 5,000.00 "Credit" Change  
Order Amount to Date: (\$129,986.00)

Consideration and Approval of CPR #18 to "Credit" Fire Alarm and Intrusion Systems for the Tom Landry Stadium Renovations Project. This item was approved.

Contingency Balance: (\$129,986.00)  
CPR#18 "Credit" Fire Alarm System: \$ 2,800.00 "Credit" Change  
Order Amount to Date: (\$127,186.00)

Consideration and Approval of CPR #25 to Relocate Cross Bracing at Concession Stands for the Tom Landry Stadium Renovations Project. This item was approved with the cost change to \$5,221.00

Contingency Balance: (\$127,186.00)

CPR #25 to Relocate Cross Bracing: (\$ 5,221.00) (Org. price \$10,442.00)  
Change Order Amount to Date: (\$132,407.00)

Consideration and Approval of CPR #26 to Remove and Replace Concrete from the Ramps for the Tom Landry Stadium Renovations Project. Please note that Holchemont, LTD will require and extra two (2) days. If approved, the new substantial completion date is October 2, 2017. This item was pulled, Javier Hinojosa Civil Engineer will take care of this item.

Contingency Balance: (\$132,407.00)  
CPR #26 to Remove and Replace Concrete: \$ 0.00 (Org. price \$4,483.25)  
Change Order Amount to Date: (\$132,407.00)

Consideration and Approval of CPR #27 to Add IDF Rack, Quad Receptacles and Data Drops on the Visitor's Side Bleachers for the Tom Landry Stadium Renovations Project. Please note that Holchemont, LTD will require and extra three (3) days. If approved, the new substantial completion date is October 5, 2017. This item was pulled, MCISD will take care of this item.

Contingency Balance: (\$132,407.00)  
CPR #27 to Add IDF Rack: \$ 0.00 (Org. price \$18,357.49) Change  
Order Amount to Date (\$132,407.00)

Consideration and Approval of CPR #29 for Additional Eleven (11) Delay Days for the Tom Landry Stadium Renovations Project. If approved, the new substantial completion date is October 16, 2017 pending all other CPR's being submitted. The Board took no action on this item.

Consideration and Approval to Grant Administration Authority to Approve Substantial Completion for the Tom Landry Stadium Renovations Project. Dr. Lopez, Superintendent will have the authorization. This item was approved.

Note: No additional delay days were approved at this meeting. Substantial completion continues to be approximately September 12, 2017.

At the Regular Board of Trustees meeting held on Wednesday, November 08, 2017, the Board took the following actions for the following items:

Consideration and Approval of CCD#01 for CPR#30 for Modifications to the Elevator Equipment Room for the Tom Landry Stadium Renovations Project. No additional days were approved.

Contingency Balance: (\$132,407.00)  
CCD#01/CPR#30 Elevator Equipment Room: \$ 3,957.00  
Change Order Amount to Date (\$136,364.00)

Consideration and Approval of CPR#31 to "Credit" for Use of Owners Utilities for the Tom Landry Stadium Renovations Project. MCISD presented a "credit" for \$5,900.00, however, Holchemont offered only a credit amount of \$900.00.

Contingency Balance: (\$136,364.00)  
CPR#31 Use of Owners utilities: \$ 5,900.00 "Credit" Change  
Order Amount to Date: (\$130,464.00)

Consideration and Approval of CPR#32 for HVAC Test and Balance for the Tom Landry Stadium Renovations Project.

Test and Balance Allowance: \$5,000.00 CPR#32  
HVAC Test & Balance: \$2,500.00  
Balance: \$2,500.00

Consideration and Approval of CPR#33 for Two (2) Additional Fire Extinguishers for the Tom Landry Stadium Renovations Project.

Contingency Balance: (\$130,464.00)  
CPR#33 Fire Extinguishers: \$ 268.00 Change Order  
Amount to Date (\$130,732.00)

At the Regular Board of Trustees meeting held on Wednesday, December 13, 2017, the Board took the following actions for the following items:

Consideration and Approval of CPR #12R3 for Additional Power for the Tom Landry Stadium Renovations Project. This item was approved.

Contingency Balance: (\$130,732.00) CPR#12R3  
additional power: \$ 6,327.00  
Balance: (\$137,059.00)

Consideration and Approval of CPR#34 for "Credit" for the VIP Chair Allowance for the Tom Landry Stadium Renovations Project. VIP Chair Allowance "Credit" is \$5000.00. This item was approved.

Discussion and Possible Action on Paving Repair Schedule for the Tom Landry Stadium Renovations Project.

Consideration and Approval for Final Completion, Less Betterment Fund Allowance and Final Payment, Less Liquidated Damages for the Tom Landry Stadium Renovations Project. This item was pulled due to punch list items and other contractual obligations were noncompliance.

At the Regular Board of Trustees meeting held on Wednesday, April 11, 2018 the Board took the following actions for the following items:

Consideration and Approval of CPR#23 for Sound System Raceways for the Tom Landry Stadium Renovations Project. Holchemont LTD is requesting fourteen (14)

additional delay days for this work, if approved the new substantial completion date is September 26, 2017.

Contingency Balance: (\$137,059.00) CPR#23  
for Sound System: \$ 39,839.37  
Balance: (\$176,898.37)

Consideration and Approval of Grievance Agreement for Use of Owners Utilities for the Tom Landry Stadium Renovations Project. As per the November approved CPR #31, MCISD approved an owners credit for utility use of \$5,900.00. As per grievance agreement the amount was reduced to \$2,350.00, thus an adjustment needed to be made.

Previous: \$5,900.00  
Final approved as per Grievance: \$2,350.00  
Adjustment: \$3,550.00

Contingency Balance: (\$180,448.37)

Discussion and Possible Legal Action Regarding Parking Lot Repairs for the Tom Landry Stadium Renovations Project. At this time the Board invoked the "Self Help Provision" of the contract authorizing Administration to make necessary parking lot repairs utilizing a different contractor.

2GS and Earthworks re-paving Cost: \$24,700.00 - Parking Lot Re-paving completion date was achieved on August 06, 2018.

At the Regular Board of Trustees meeting held on Wednesday, May 08, 2019, the Board took no action on the following item: Consideration and Approval for Final Completion, Less Betterment Fund Allowance and Final Payment, Less Liquidated Damages for the Tom Landry Stadium Renovations Project. At this meeting Administration also recommended to authorize Administration and Dr. Perez to approve final completion at a later time, this was rejected with direction from the Board that they wanted this brought forward when the time came for consideration and approval.

At the Regular Board of Trustees meeting held on Tuesday, June 11, 2019 the Board took the following actions

Administration, Mr. Eli Alvarado, Architect, and Mr. Michael Montalvo, General Contractor have met six times since April 25, 2019 with the latest meeting held on Tuesday, June 04, 2019, to discuss what is required from all parties to bring this project for final recommendation and to possibly come to a mutual agreement and present to the Board of Trustees Consideration and Approval for Final Completion, Less Betterment Fund Allowance and Final Payment, Less Liquidated Damages for the Tom Landry Stadium Renovations Project. At the latest meeting Mr. Montalvo was not able to attend and for many of these meetings Dr. Perez, Superintendent was present. A 1 ½ year warranty project walk-through was conducted as per contract specifications on Friday, May 03, 2019 with Mr. Alvarado, his design staff, Mr. Montalvo, his sub-contractors and MCISD personnel present to identify any warranty items that are still

pending and need correction. The meetings that are being conducted are to balance and agree on all financial/accounting matters and pending correction of work if applicable. Any matters that concern additional request for time or matters that may concern any deduction from the remaining balance owed to the contractor such as additional fees/costs or possible liquidated damages incurred the general contractor will need to follow the process as written in his contract.

As noted, Administration and Alvarado Architects believes it has tried, with due diligence, to work on all pending accounting/fiscal matters with Mr. Montalvo, however, we continue to not agree on a mutual amount. Administration presents Discussion with Legal Counsel Regarding Closeout for the Tom Landry Stadium Renovations Project with MCISD processing any possible pay applications to Holchemont Construction with monies being withheld that are not in contention.

Note: Additional structural assessment is continuing by Rick Hinojosa, Structural Engineering and is pending completion. They are pending additional concrete test results.

### **Tom Landry Stadium Project Timeline:**

Notice to Proceed (NTP) – 02/01/2017

Original Substantial Completion Date – 08/21/2017

36 delay days Board approved due to testing, weather, change orders

New substantial completion date – 09/26/2017

Approved substantial completion date – 11/10/2017 (45 days late)

Original Final Completion Date – 12/10/2017

New Final Completion Due Date – 04/20/2018 (131 days late)

Possible LD's for not meeting Subst. Completion: 45 days X \$1,500.00 = \$67,500.00

Possible LD's for not meeting Final Completion: 131 days X \$500.00 = \$65,500.00

Possible LD's for delay in re-paving of parking lot: 7 days x\$500.00 per day = \$3,500.00

Possible LD's Incurred: \$136,500.00

### **Other Possible Fees/Costs:**

Re-paving of parking lot = \$24,700.00

Structural Engineering cursory inspection = \$5,000.00 (Rick Hinojosa, Structural Engineering)

Hinojosa full structural assessment = \$30,000.00 (if applicable)

TDLR re-inspections = \$285.00

Terracon Structural additional services = \$15,000.00

Pending "credit" for three (3) parking lot poles not installed = \$53,489.08

Approximate Possible Total Amount of addtl. fees/costs: \$128,474.08

Additional Architect Fees: \$85,695.00 (if applicable/pending)

Balance on contract: \$416,406.11<sup>17</sup>

Possible LD's:	\$136,500.00 Possible
addtl. Costs:	\$128,474.08
Possible addtl. Arch. Fees:	\$ 85,695.00
Paid Holchemont:	\$ 43,189.25 (07/24/19 Pay App. #10 rev.3)

Est. Current Balance on Contract: \$380,251.23

At the Regular Board of Trustees meeting held on Wednesday, August 14, 2019 the Board took the following actions.

At this meeting the Mr. Rick Hinojosa Structural Engineering Assessment report was not available for the Board of Trustees to review, however, Administration had preliminary verbal discussions with Hinojosa on what he was to submit, the report was to be finalized on Friday, August 16, 2019. Should the report state that repairs were required Administration presented Consideration and Possible Action Regarding Procurement of Design and Construction Services for the Tom Landry Stadium Repairs in advance.

After conducting field reviews and inspections Mission CISD contracted with Rick Hinojosa Structural Engineering to conduct a third party Visual Cursory Observation on the bleachers for the visitors side of Tom Landry Stadium. On September 06, 2018 the observation report with conclusions and recommendations was submitted. In brief, Hinojosa stated that the cracked piers did not affect the immediate load carrying capacity of the structure and the stadium could be used. However, the recommendations were to conduct a complete assessment of all piers and repair all necessary items addressed in the complete assessment.

Administration was approved to contract with Hinojosa to conduct a full stadium assessment to include not only concrete piers but to inspect the entire structure of the stadium. On August 08, 2019, Hinojosa Engineering submitted a preliminary assessment letter for our review noting possible reinforcement required.

On August 16, 2019, Hinojosa Structural Engineering submitted their Visual Structural Condition Assessment of Tom Landry Stadium for our review.

At the September 11, 2019 Regular Board of Trustees meeting and based on Mr. Hinojosa's report, Administration presented Consideration and Approval of Design and Construction Services for the Tom Landry Stadium Repairs.

The Board of Trustees must take the necessary action in accordance with Texas Education Code 44.035 which consisted of the selection/designation of an architect and/or engineer to prepare construction documents for this project. The engineer and/or architect selected or designated will have full responsibility for complying with the Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes) or Chapter 478, Acts of the 45th Legislature, Regular Session, 1937 (Article 249a, Vernon's Texas Civil Statutes) as applicable.

If the engineer or architect is not a full-time employee of the District, the Board must select the engineer or architect on the basis of demonstrated competence and qualifications as provided by Section 2254.004, Government Code. The selected

architect/engineer along with preparing construction documents will be required to provide MCISD with an estimated project budget.

Current and/or past structural engineers that have worked with MCISD are listed below, the Board of Trustees may select from one of these engineers on the basis of demonstrated competence and qualifications or may direct Administration to seek for Request for Qualifications (RFQ's) on an engineer or architect.

Rick Hinojosa Structural Engineering (conducted assessments)  
Channin Structural Engineering (original project structural engineer)

The Board of Trustees selected Mr. Rick Hinojosa Structural Engineering to conduct a thorough third-party structural assessment of the Tom Landry Stadium Project.

On or about January 27, 2020, Mr. Hinojosa submitted to Administration a proposal for forensic engineering services from MEG Engineers. The Forensic Engineering Services will include Ground Penetrating Radar (GPR) Scans of one-hundred and fifty-six (156) piers by scanning four (4) grids at each pier location. A grid will consist of a three (3) foot by two (2) foot rectangle made up of thirty-five (35) gridlines spaced at six (6) inches on center. Total linear footage of scanning will be eighteen thousand and ninety-six (18,096) feet. The report will include detailed rebar locations of the piers. The proposal cost for this service was \$56,000.00.

At the Facilities/Environment Committee Meeting of February 05, 2020 this proposal and engineering service was presented and discussed. At this time the decision was made for Administration to proceed with Hinojosa Structural Engineering and MEG Engineers to conduct only seventy-eight (78) GPR Scans on the stadium. These scans would be divided between the home and visitors side piers at a proposal cost of \$34,988.00.

At the Regular Board of Trustees meeting held on April 08, 2020 the Board approved the following, Preliminary reports from both engineering firms indicate that a complete GPR Scan of all piers would be advisable to have a complete pier assessment on the stadium. Thus, Administration recommends Consideration and Approval of Additional Ground Penetrating Radar (GPR) Scans for Piers at the Tom Landry Stadium Bleacher Project. The estimated proposal cost would be the difference from the original proposal to what has been approved for the first phase. Estimated proposal \$21,012.00.

At the Regular Board of Trustees meeting held on September 09, 2020, as an informational Board Item, a presentation was given by Rick Hinojosa Structural Engineering, Mr. Albert Trevino, on the Tom Landry Stadium Renovation Project status. Mr. Trevino reported on the findings for the GPR scans conducted and has stated, "the scans in the report indicate that the majority of the piers do not have pier reinforcement per the shop/erection drawings provided by Sturdi Steel who provided the bleachers".

At the meeting of September 09, 2020, Hinojosa Structural Engineering was to provide a final and complete comprehensive report on the findings and recommendations for correction on all items indicated on the assessment. Findings and recommendations were to include and not limited to the disciplines of Structural, Mechanical, Electrical, Plumbing (MEP) and Civil. At this meeting Hinojosa Structural Engineering was directed to provide this comprehensive report and not only the GPR scans report.

Since this initial directive, Hinojosa Structural Engineering has been contacted both on October and December 2020 for the final report and we continue to have no response. Administration will continue to utilize all avenues to request the final report so that we may move forward with repairs required.

On January 14, 2021, Rick Hinojosa Structural Engineering was sent both an email correspondence and a certified letter requesting his personal appearance at the Wednesday, January 20, 2021 Board of Trustees Work Shop to present the final project findings. At 4:01 p.m. on that day Mr. Hinojosa contacted us that he had a family emergency and would try to attend. With this correspondence he attached "Mission CISD Tom Landry Stadium Ground Penetration Radar (GPR) Scanning Findings Letter". This letter referenced the GPR scanning done at the stadium.

### **ADMINISTRATIVE CONSIDERATIONS**

In discussion at the Work Shop of January 14, 2021, the Board instructed our legal counsel to draft a letter to request Mr. Hinojosa's presence and to once again present his findings at the Board Work Shop of Wednesday, February 03, 2021. Legal counsel sent a certified letter and emailed the letter to Mr. Hinojosa's attention on Tuesday, January 26, 2021. My office then proceeded to re-send this letter to Mr. Hinojosa the following day. A "read receipt" message was received from his office on Friday, January 29, 2021 at approximately 12:10 p.m. acknowledging receipt of our request to be present.

At this Work Shop, the Board will hear the presentation and may have a question and answer session with Mr. Hinojosa on the findings and recommendations. At this time the Work Shop may have a Discussion and Possible Action to Procure Engineering Services for Analysis and Remediation for the Tom Landry Stadium Project and to Grant Administration Authorization to Procure Services. A Special Board of Trustees Meeting has been placed on the agenda should further action be required.

### **FUNDING SOURCE**

General Funds and Possible other funding sources to be determined by the Finance Dept. (TBD)

Est. Construction Costs:	\$6,000,000.00
Est. Total Construction w/Soft Costs:	\$8,000,000.00

BAFO Const. Cost:	\$7,463,000.00
Change Orders:	<u>\$ 142,020.37</u>
Final Const. Cost:	\$7,605,020.37

Architect Fees: \$485,095.00 6.5% of Construction Cost  
Addtl. Arch. Fees for C/O's: \$9,231.32  
Architect Fees: \$494,326.32 (excluding addtl. Fees pending)

### **RECOMMENDATION**

This agenda item was presented and discussed at the Board of Trustees Workshop on Wednesday, February 03, 2021.

Administration recommends Discussion and Possible Action to Procure Engineering Services for Analysis and Remediation for the Tom Landry Stadium Project and to Grant Administration Authorization to Procure Services.

### **EXHIBIT**

N/A

### **CONTACT PERSONS**

Ricardo Rivera, Assistant Superintendent for Operations