

Waller Creek District

**ADDENDUM FIVE
(BUDGET AND SCHEDULE UPDATE) -
WATERLOO PARK CONSTRUCTION PHASE PLAN**

Proposing Party: Waterloo Greenway

**waterloo
greenway**

April 7th, 2021

waterloo greenway

April 7th, 2021

Mr. Cotter Cunningham
Vice President
Waller Creek Local Government Corporation (LGC)

RE: Waller Creek District:
Addendum Five (Budget and Schedule Update) – Waterloo Park Construction Phase Plan

Dear Cotter:

Enclosed herewith you will find Addendum Five to the Waterloo Park Construction Phase Plan that shows an updated budget to finish construction of Waterloo Park as well as an update to the construction completion dates. The budget adjustments outlined in this addendum modify the total contributions to the Phase Plan and the allocations to certain allowances and contingencies for Waterloo Greenway Conservancy and for the City of Austin.

Addendum Five increases the overall Phase Plan budget but honors the professional service proposals previously approved by the LGC through the Phase Plan and four addenda. Budget modifications are as follows:

- a) A \$414,461.90 increase in WGC contribution to replenish the Change Order Contingency
- b) A \$216,971.00 increase in WGC contribution to replenish the Cost Overrun Reserve
- c) A \$163,475.00 increase in PARD contribution to replenish the Change Order Contingency.
- d) Reallocation of \$389,988.10 contributions from Sector 9 budget (Addendum One) to the Parkland budget. Funds will be added to the Change Order Contingency. The \$389,988.10 from the Sector 9 budget is comprised of \$66,635.07 In PARD funds, \$319,921.88 In WPD funds and \$3,431.15 In WGC funds.

The materials in Addendum Five only show the updated exhibits, all other documentation from the originally approved phase plan and subsequent addenda remains valid.

The Joint Development Agreement, Section 3, identifies the documentation required for each proposed phase plan or addenda. The attached check-list identifies all of the submission requirements including those applicable to this addendum and where they can be found in this document.



PHASE PLAN PROPOSAL CHECKLIST

Waller Creek District

ADDENDUM FIVE

(BUDGET AND SCHEDULE UPDATE) – WATERLOO PARK CONSTRUCTION PHASE PLAN

PAGE #	JDA SECTION*	TOPIC	DESCRIPTION	EXHIBITS
	3.03 B.	Responding Party Review		
		Cover Letter		
		Front Cover		
		Table of Contents		
		Check List		
1	3.04 A.1	General	Exec Summary - general outline of the project	
6			Schedule with milestones & projected completion	Exhibit A
N/A			Implementation plan	
3, 4, 7	3.04 A.2 (i)	Identify Team	List all professionals and their discipline	
4	3.04 A.2 (ii)	Construction Delivery Method	Proposed Construction Delivery Method	
N/A	3.04 A.2 (iii)	Designate the Reviewer of Construction Schedule	Project Director or Managing Party	
N/A	3.04 A.2 (iv)	Design Material	Prelim site plans, architectural plans, elevations, other design materials	
N/A	3.04 A.3	Project Map	Map of District showing Limits of Phase Plan Area	
4, 8	3.04 A.4	Project Budget	All Phase Plan costs including allowances and contingencies	Exhibit C
4		Including:	List of funding sources	
N/A			List where funds are to be held	
N/A			List constraints on use of funds	
N/A			Post construction budget - capital repairs, operating and maintenance budgets	
5	3.04 A.5	Cost Overrun Plan	Identify how any cost overruns will be funded	
N/A	3.04 A.6	Compliance with Foundational Articles	If the proposed project does not comply with the terms of the JDA, the proposed modification to the JDA is provided here	
N/A	3.04 A.7	Third Party Agreements	Outline any third-party agreements that will need to be obtained	
N/A	3.04 A.8	Procurement Process Requirements	If funded in part by the City, comply with City Code and other applicable law	
			Local Government Code Sections 252 and 271	
			Texas Transportation Code Chapter 432	
N/A	3.04 A.9	MWBE Participation	If funded in part by the City, outline plan	
N/A	3.04 A.10	Public Improvement Projects/Approvals and Permits	Identify responsibilities for obtaining approvals from Government Authorities for design and construction	
N/A	3.04 A.11	Operations & Maintenance	Plan for obtaining approvals/permits and for paying for operations and maintenance	

PHASE PLAN PROPOSAL CHECKLIST

PAGE #	JDA SECTION*	TOPIC	DESCRIPTION	EXHIBITS
N/A	3.04 A.12	ID and Mapping Easements	Identify and map all easements and other real property interests	
N/A	3.04 A.13	Requirements on Use of Funds	Identify any requirements that apply to the use of tax-exempt obligations, grants or other funds	
N/A	3.04 A.14	Insurance and Bonding	Provision of insurance and bonding in Article 9	
N/A	3.04 A.15	Use by City	Identify terms for use by the City	
N/A	3.04 A.16	Activities and Rates	Identify activities by groups	
N/A	3.04 A.17	Maintenance in ROW's	Identify of maintenance of District ROW's	
N/A	3.04 A.18	Utilities	Identify how utilities will be provided, cost of services, metering etc	
N/A	3.04 A.19	Operations and Maintenance	Identify operations and maintenance standards	
N/A	3.04 A.20	Revenue Source and Fees	Create a pro forma re fees, licensing to cover Operation Expenses	
N/A	3.04 A.21	Commercial Design Standards	Identify if Comm Design Stds apply or waived	
N/A	3.04 A.22	License Agreements	Identify if License Agreements apply	
N/A	3.04 A.23	Naming Rights	Identify any license agreements necessary for naming rights	
N/A	3.04 A.24	Change in Ownership	Identify if there is a proposed change in ownership of a Public District Site	
N/A	3.04 A.25	Capital Needs Timing	Identify the capital needs timing for City Planning purposes	
N/A	3.04 A.26	Payment to PARD or other City Departments	Identify how payments will be made to PARD or other City Depts for their operations	
N/A	3.04 A.27	Public Accessibility	Identify public accessibility and provisions thereof	
N/A	3.04 A.28	Timing of transfers	Identify timing of transfers of improvements and land	
N/A	3.04 A.29	Maintain natural space	Identify the ways projects will be designed to maintain natural space	
N/A	3.04 A.30	Maintain flexibility of City owned properties	Identify how the flexibility of City Owned properties will be maintained	
N/A	3.04 A.31	Issues related to alcohol use	Identify any desired exemptions of City Code or park rules	
N/A	3.04 A.32	Other Relevant Info		

*THIS CHECKLIST IS BASED ON THE APRIL 16, 2014 WALLER CREEK DISTRICT JOINT DESIGN, DEVELOPMENT, MANAGEMENT AND OPERATION AGREEMENT (JDA)

Waller Creek District

ADDENDUM FIVE

**(BUDGET AND SCHEDULE UPDATE) – WATERLOO PARK
CONSTRUCTION PHASE PLAN**

TABLE OF CONTENTS

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COVER LETTER	Attached at beginning of Phase Plan document
CHECK LIST	
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EXHIBITS	
EXHIBIT A: PROJECT SCHEDULE	PAGE 6
EXHIBIT B: PROJECT BUDGET	PAGE 8

ADDENDUM FIVE (BUDGET AND SCHEDULE UPDATE)

Project Identification:

Title: Addendum Five to the Waterloo Park Construction Phase Plan
(or “Addendum Five”)

Location: Between 12th-15th Street south to north, and Red River-Trinity Street east to west along Waller Creek

Date: April 7th, 2021

Unless otherwise specified herein, section reference shall refer to that certain Joint Design Development, Management and Operation Agreement by and among the City of Austin (“City”), Waller Creek Conservancy (“WCC”) and Waller Creek Local Governmental Corporation (“LGC”), dated April 16, 2014 (the “JDA”).

Effective August 14, 2019, the non-profit corporation formerly known as Waller Creek Conservancy (“WCC”) became known as Waterloo Greenway Conservancy and all references in this Addendum to Waller Creek Conservancy from and after that date shall mean Waterloo Greenway Conservancy (“WGC”).

EXECUTIVE SUMMARY (3.04 A.1)

Waterloo Greenway includes a one-and-a-half mile urban, riparian ecosystem that meanders southward from Waterloo Park at 15th Street along the eastern edge of downtown Austin ending at Lady Bird Lake. Once complete, Waterloo Greenway will total 35 acres of connected urban green space and will feature four distinct beautifully designed park spaces, pedestrian and bicycle paths, a revitalized creek, and other urban amenities – a place where the environment, culture, health, adventure, and diversity converge. The revitalized Waller Creek will renew the natural environment, foster the creative arts, and nourish authentic and uplifting experiences that reflect Austin’s diversity and dynamic spirit.

Waterloo Park is an 11-acre green space that will host a wide range of landscape experiences for play, leisure, and celebration of the natural environment. The greater Waller Creek trail system emerges into the park at 12th Street from the south and provides a flow of recreational visitors coming from downtown, Lady Bird Lake, and beyond. An accessible path network weaves through the site’s dramatic topography, connecting a network of gardens, water features, gathering spaces, stands of mature trees, and a central “Clearing or Great Lawn” – a grand new civic space for Austin. The central clearing opens toward the Performance Venue (Moody Amphitheater), a permanent outdoor venue celebrating Austin as an international outdoor music destination. Open year round, the Amphitheater provides a new and dynamic music and arts experience in an urban park, providing diverse entertainment experiences that embody the values of the community.

Waterloo Park is in the heart of downtown within walking distance from the University of Texas, East Austin, and the State Capitol. This urban district is undergoing dramatic change with the Dell Medical School Campus, Brackenridge Hospital redevelopment, and the State Capitol Complex framing the site and creating a constituency that infuses the park with daily activity.

Addendum Five to the Waterloo Park Construction Phase Plan outlines updated budget contributions to the original Phase Plan, as well as an updated schedule for completion of the project. Addendum Five honors the professional service proposals approved by the LGC in the original phase plan and Addenda One through Four. The materials in Addendum Five only show the updated exhibits, all other documentation from the originally approved phase plan and subsequent addenda remains valid.

The goal of Addendum Five is to complete the work outlined in the Waterloo Park Construction Phase Plan. This is intended to be the last Addendum to the Phase Plan and will provide the resources and updated schedule to complete in Summer of 2021. The changes in this Addendum will help the owner team respond to funding needs discovered through unforeseen conditions and necessary change orders to the project.

MAIN POINTS OF CONTACT

Waterloo Greenway Conservancy:

Director of Planning & Design: John Rigdon, jrigdon@waterloogreenway.org (512-541-3520)

Capital Projects Manager: Kim Barker, kbarker@waterloogreenway.org (512-541-3520)

Responding Party:

City of Austin, Watershed Protection Department

Kristin K. Pipkin, kristink.pipkin@austintexas.gov (512-974-3315)

Susan Kenzle, susan.kenzle@austintexas.gov (512-974-6239)

John Beachy, john.beachy@austintexas.gov (512-974-3516)

City of Austin, Parks and Recreation Department

Lisa Storer, lisa.storer@austintexas.gov (512-974-9479)

Construction Team Lead:

DPR Construction (DPR)

DPR Point of Contact: Bryan Kent, bryanke@dpr.com, (512-345-7699)

Landscape Architecture Team Lead:

Michael Van Valkenburgh Associates (MVVA)

MVVA President and CEO: Michael Van Valkenburgh, michael@mvvainc.com (718-243-2044)

MVVA Principal: Gullivar Shepard, gsheward@mvvainc.com (718-243-2044)

MVVA Project Manager and Point of Contact: Tim Gazzo, tgazzo@mvvainc.com (718-243-2044)

Architecture Team Lead:

Thomas Phifer and Partners (TPP)

TPP Founder: Thomas Phifer, tom@thomasphifer.com (212-337-0334)

TPP Director and Point of Contact: Andy Mazor, andrew@thomasphifer.com (212-337-0334)

SCHEDULE (3.04 A.1)

The schedule associated with Addendum Five to the Waterloo Park Construction Phase Plan is shown in the attached **Exhibit A, Project Schedule**.

PERFORMANCE PERIOD

The anticipated performance period has been extended to include the next six (6) months. A more detailed project schedule is shown in **Exhibit A, Project Schedule**.

DESIGN TEAM & CONTRACTOR LIST (3.04 A.2(i))

The following team will be responsible for delivering Addendum Four to the Waterloo Park Construction Phase Plan.

- Construction Manager at Risk: DPR Construction
- Architecture Team Lead: Thomas Phifer and Partners (TPP)
 - Accessibility Consultant: Altura Solutions
 - AV, Acoustical, Lighting, IT & Security Specialist: ARUP
 - Mechanical, Electrical, Plumbing Specialist: Altieri (ASW)
 - Structural Engineering: Guy Nordenson & Associates (GNA)
 - Waterproofing Experts: Simpson Gumpertz & Heger (SGH)
 - Theatre Experts: Theatre Consultants Collaborative (TCC)
 - Geotechnical Engineering: Terracon Consulting Engineers
- Landscape Architect Team Lead: Michael Van Valkenburgh Associates, Inc. (MVVA)
 - Local Landscape Architect: dwg
 - Civil Engineer: Big Red Dog Engineering (BRD)
 - Structural Engineering: Architectural Engineers Collaboration (AEC)
 - Mechanical, Electrical and Plumbing Engineer: EEA Consulting Engineers (EEA)
 - Lighting Design: Tillett Lighting Design Associates (TLDA)

- Geotechnical Engineering: Terracon Consulting Engineers
 - Accessibility Consultant: Altura Solutions
 - Soil Scientist: Olsson Associates
 - Irrigation Specialist: James Pole
 - Ecologist, Wetland Design: Lady Bird Johnson Wildflower Center (LBJWC)
 - Waterproofing Experts: Simpson Gumpertz & Heger (SGH)
 - Restroom Facility Architect: Michael Hsu Office of Architecture (MHOA)
 - Hydrologist: LimnoTech
- Performance Venue Commissioning: Shah Smith & Associates, Inc.
 - Signage Fabricator and Installer: Austin Architectural Graphics (AAG)

CONTRACTING METHOD (3.04 A.2(ii))

Landscape Architecture Team Lead, MVVA (& their sub consultants) and Architecture Team Lead, TPP (& their sub consultants) are currently working under Master Services Agreements with the WGC. DPR Construction is currently working under a Construction Manager at Risk (CMAR) Contract with the WGC that was executed fall 2018. Austin Architectural Graphics (AAG) were selected through a public solicitation following City procurement procedures and will be contracted directly to WGC.

PROJECT BUDGET (3.04 A.4)

Addendum Five to the Waterloo Park Construction Phase Plan adds \$794,907.90 to the Phase Plan budget and reallocates \$389,988.10 of WPD-sponsored DUF funding from the Addendum Two: Sector 9 scope of work to the Waterloo Parkland budget. The project budget contributions to each project area are updated as part of Addendum Five and are outlined below and in more detail in **Exhibit C, Project Budget**.

The Addendum Five budget adjustments include the following:

- 5b.** A \$414,461.90 increase in funds contributed by WGC to replenish the Change Order Contingency
- 5b.** A \$163,475.00 increase in funds contributed by PARD to replenish the Change Order Contingency
- 6a.** A \$216,971.00 increase in funds contributed by WGC to replenish the Cost Overrun Reserve

Items 5b and 6a cover all the new funding proposed as part of Addendum Five, for a total of **\$794,907.90**. In addition, Addendum Five also proposes the following shift of City funding already within the Waterloo Park capital improvement project:

5a. The reallocation of \$389,988.10 in contributions from the Sector 9 budget (Addendum One to the Phase Plan) to the Parkland budget. These funds were originally intended for use on the creek restoration work, which is almost complete and came in under budget, and they will now be used to increase the change order contingency for Waterloo Parkland to address critical modifications to the wetland in the Southeast corner of the Park. The project team is confident that these funds can be reallocated and the Sector 9 scope will be completed with the remaining funding balances. The \$389,988.10 from the Sector 9 budget is comprised of \$66,635.07 In PARD funds, \$319,921.88 In WPD funds and \$3,431.15 In WGC funds.

In accordance with Section 10.01 (Project Disbursement Fund Account) of the JDA, upon approval of regularly submitted invoices by the WGC, the City will disburse payment accordingly to the appropriate Project Disbursement Fund Account. As required by Section 3.04 A.25 of the JDA, **Exhibit C, Capital Needs Projection** addresses the prime scope of work and the projected funding needs, excluding Allowances, Change Order Contingency, and Cost Overrun Reserve.

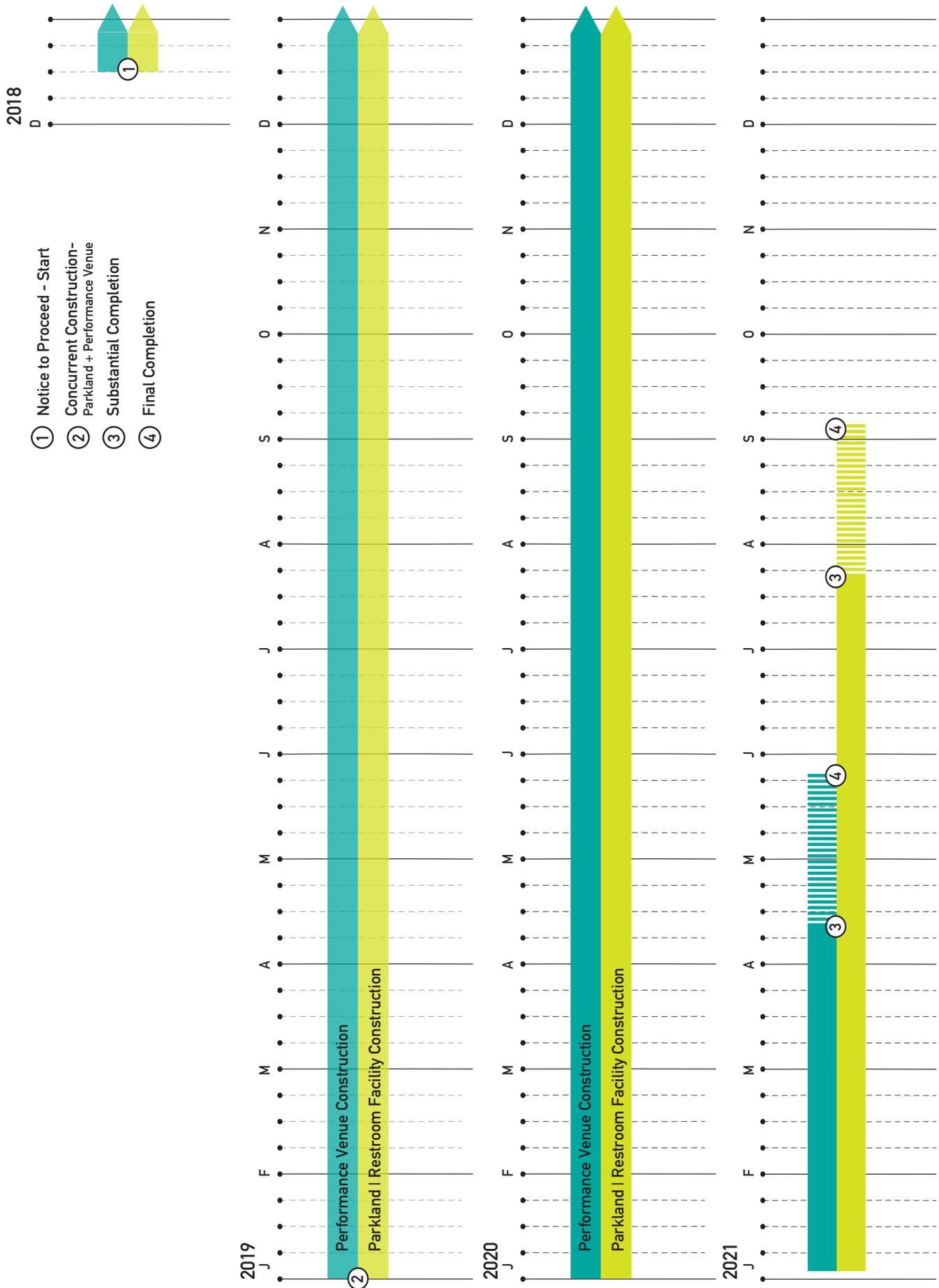
FUNDING SOURCES & REQUIREMENTS/CONSTRAINTS ON FUNDS (3.04 A.4 & 3.04 A.13)

The Waterloo Construction Phase Plan is funded jointly through the WGC and the City of Austin. City of Austin funds will be used to pay for portions of the Parkland, Sector 9 (Addendum One), and Inlet Bypass (Addendum Two) portions of the work as well as \$3m of the Performance Venue (Addendum Three). WGC funds will be used for the balance of the Parkland and Performance Venue costs, including FF&E items such as park and performance venue signage. A detailed breakdown of City of Austin funding sources can be found in the Waterloo Construction Phase Plan and Addenda Funding Letters.

COST OVERRUN PLAN (3.04 A.5)

In accordance with the JDA, the identification of the source of funds for the Cost Overrun Reserve are required. The Proposing Party must seek approval from the Responding Party to utilize Cost Overrun funding. The request to use Cost Overrun funds does not require LGC approval unless additional funding is needed. For Addendum Five to the Waterloo Construction Phase Plan, the Cost Overrun Reserve will be increased by \$216,971.00.

EXHIBIT A: PROJECT SCHEDULE



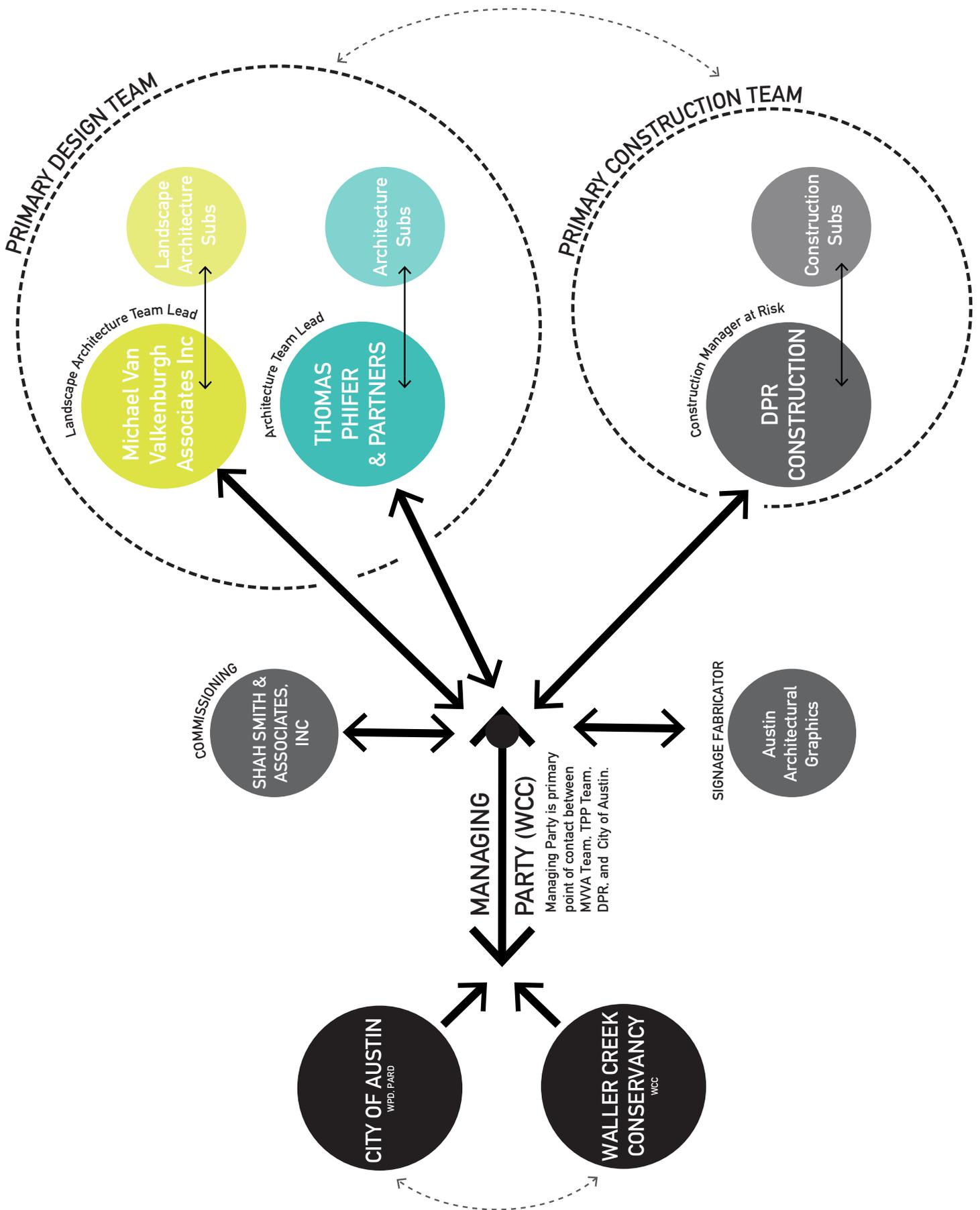


EXHIBIT C: PROJECT BUDGET

ADDENDUM FIVE TO THE WATERLOO CONSTRUCTION PHASE PLAN			
Budget as of pay request #45 3.24.21	Existing Budget	Proposed Additional Funding: Addendum	Total Revised Budget
1a. Construction Administration (TPP + MVVA)			
TPP Architecture Team	\$ 1,682,041.47		\$ 1,682,041.47
TPP Reimbursables	\$ 77,268.53		\$ 77,268.53
MVVA Landscape Architecture Team	\$ 2,295,652.51		\$ 2,295,652.51
MVVA Reimbursables	\$ 53,340.49		\$ 53,340.49
1b. Construction Administration - Addendum Two - Inlet Bypass			
MVVA Landscape Architecture Team	\$ 185,007.00		\$ 185,007.00
MVVA Reimbursables	\$ 363.00		\$ 363.00
1c. Other Services (McGray, Davey, Misc.)			
	\$ 66,129.00		\$ 66,129.00
Construction Administration & Other Services Total			
	\$ 4,359,802.00		\$ 4,359,802.00
2a. Construction (DPR)			
Cost of Work	\$ 48,812,731.93		\$ 48,812,731.93
Construction Contingency (2%)	\$ 62,854.15		\$ 62,854.15
General Conditions	\$ 2,933,797.00		\$ 2,933,797.00
CMAR Fee	\$ 2,250,109.00		\$ 2,250,109.00
Site Requirements	\$ 2,284,218.00		\$ 2,284,218.00
Construction Allowances	\$ 11,090.00		\$ 11,090.00
2a. Construction Addendum Two - Inlet Bypass (DPR)			
Cost of Work	\$ 2,791,505.06		\$ 2,791,505.06
Construction Contingency (2%)	\$ 40,111.75		\$ 40,111.75
General Conditions	\$ 516,333.93		\$ 516,333.93
CMAR Fee	\$ 137,212.00		\$ 137,212.00
Site Requirements	\$ 130,951.00		\$ 130,951.00
Construction Allowances	\$ -		\$ -
Guaranteed Maximum Price (GMP) Total			
	\$ 59,970,913.82		\$ 59,970,913.82
3. Commissioning			
Performance Venue Commissioning	\$ 43,400.00		\$ 43,400.00
4. Allowances, Contingencies + Cost Overrun			
Total	\$ 1,193,220.68		\$ 1,193,220.68
5. Remaining Change Order Contingency (was 7%)			
	\$ 248,612.85		\$ 248,612.85
5a. Transfer Sector 9 Buyout Savings	\$ -	\$ 389,988.10	\$ 389,988.10
5b. Additional Change Order Contingency	\$ -	\$ 577,937.00	\$ 577,937.00
Update CO Contingency Balance			\$ 1,216,537.95
6. Remaining Cost Overrun Reserve (was 2%)			
	\$ 20,213.00		\$ 20,213.00
6a. Additional Cost Overrun Reserve		\$ 216,971.00	\$ 216,971.00
Updated Cost Overrun Reserve Balance			\$ 237,184.00
SUMMARY			
1. Construction Administration & Other Services	\$ 4,359,802.00		\$ 4,359,802.00
2. Construction	\$ 59,970,913.82		\$ 59,970,913.82
3. Commissioning	\$ 43,400.00		\$ 43,400.00
SUBTOTAL	\$ 64,374,115.82		\$ 64,374,115.82
4,5,6. Allowances, Contingencies + Cost Overrun	\$ 1,462,046.53		\$ 2,646,942.63
TOTAL	\$ 65,836,162.35	\$ 1,184,896.10	\$ 67,021,058.45

Funding Entity	Existing Split		Proposed Update in Addendum Five	
	Construction Documents, Permitting & Bidding	Allowances & Cost Overrun Reserve	Construction Documents, Permitting & Bidding	Allowances & Cost Overrun Reserve
PARD	\$ 31,886,459.42	\$ 782,455.62	\$ 31,886,459.42	\$ 849,090.69
WPD	\$ 3,756,472.60	\$ 213.00	\$ 3,756,472.60	\$ 320,134.88
DSD	\$ 9,248.76	\$ -	\$ 9,248.76	\$ -
WGC	\$ 28,721,935.04	\$ 679,377.91	\$ 28,721,935.04	\$ 1,477,717.06
TOTAL:	\$ 64,374,115.82	\$ 1,462,046.53	\$ 64,374,115.82	\$ 2,646,942.63
GRAND TOTAL		\$ 65,836,162.35		\$ 67,021,058.45