



Recommendation for Action

File #: 21-3548, **Agenda Item #:** 31.

12/9/2021

Posting Language

Authorize execution of a construction contract with Massbur, LLC d/b/a Restoration 1 of Austin for the Zach Scott Theatre Emergency Repairs, in an amount not to exceed \$569,000.

[Note: This contract is exempt from the MBE/WBE Program requirements due to its public health and safety requirements]

Lead Department

Financial Services Department

Managing Department

Economic Development Department

Fiscal Note

Funding is available in the Fiscal Year 2021-2022 Operating Budget of the Economic Development Department.

Purchasing Language:

This is an emergency contract that did not go through the City's competitive Invitation for Bids solicitation process.

For More Information:

Inquiries should be directed to Rolando Fernandez, 512-974-7749 or Beverly Mendez, 512-974-3596.

Additional Backup Information:

The requested action is for Council to approve the contract with Massbur, LLC d/b/a Restoration 1 of Austin, which has been sourced under authority of Section 252.022(a) (2) of the Texas Local Government Code as a procurement necessary to protect or preserve the public health and safety of the citizens of Austin.

In February 2021, Zach Scott Theatre (ZACH) experienced a burst pipe from the winter storm which caused significant water damage to the facility requiring immediate repairs to mitigate further damages. The theatres, theater floors, facility walls, plumbing, bathrooms, entrance area, hallways, and studios all experienced damage. The repair and mitigation work included complete clean-up and drying of affected areas including demolition and removal of all damaged materials. Following these repairs, it was determined that additional facility repairs from the water damage need to occur to make the building operable.

The Zach Scott Theatre is part of a group of City of Austin buildings which suffered damage from Winter Storm Uri. These buildings are covered under the City's Property Insurance policy under a single "Winter Storm" loss claim, and also share a single "per occurrence deductible" of \$100,000. This deductible is expected to be allocated between the three Departments which suffered the most damage per the direction of the Controller's office.

Included in the operation and maintenance agreement with the ZACH, the City is obligated to repair the damage to the theatre caused by the winter storm in February 2021. These repairs are reimbursable through the City's property insurance. The requested contractor has already provided immediate winter weather damage mitigation, clean-up, and repair services at the ZACH. This new request allows for the contractor to continue with necessary repairs to the theater because of the winter storm, including but not limited to drywall, insulation, framing, painting, flooring, interior trim, and minor fire suppression system, HVAC system and electrical repairs.

This project is located within zip code 78704 (District 5).

Massbur, LLC d/b/a Restoration 1 of Austin, is located in Austin, Texas.

Strategic Outcome(s):

Culture and Lifelong Learning, Safety, Health and Environment