

BRAZOSPORT INDEPENDENT SCHOOL DISTRICT

Regular Meeting of the Board of Trustees

September 21, 2020



BOARD: Consent

SUBJECT: Termination of Construction Manager at Risk

BOARD POLICY: CH (Legal)

DISTRICT GOAL: Brazosport ISD will exercise fiscal responsibility to ensure financial strength and provide the resources to equip and maintain quality facilities and educational programming.

FISCAL NOTE: \$7,500 included in 2019 Bond Program

Background Information:

- Section 44.031 of the *Texas Education Code* and Section CHC of the *Board of Trustees Policies* provide guidelines for competitive procurement methods available to Texas public schools. Section 44.031 requires that all district contracts valued at \$50,000 or more shall be made by the method that provides the best value to the district, including; competitive bidding, competitive sealed proposals, a request for proposals, an interlocal agreement, or a design/build contract.
- On May 6, 2019, the Board of Trustees approved Construction Manager At-Risk (CMaR) as the procurement method for contracting the construction projects included in the 2019 voter approved bond program.
- On July 29, 2019, the Board of Trustees approved a CMaR contract with Sterling Construction for the S.F. Austin STEM Elementary School and Other Multiple Projects Resulting from the 2019 Bond Referendum.

Administrative Considerations:

- Sterling has performed pre-construction services, however no Guaranteed Maximum Price has been established.
- The proposed termination will be for convenience pursuant to Article 10.1 of the AIA Document A133 and Article 14.4 of the AIA Document A201 which will allow the District to re-bid construction services.
- It is recommended that the Board of Trustees approve the termination of the Construction Manager at Risk Contract with Sterling Structures, Inc., and authorize the Superintendent or designee to execute such documents and take necessary related actions to terminate the contract.

Communication Deployment:

- Board Meeting minutes
- Email tabulation to requisitioner

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Our Vision: Brazosport ISD ... Setting the Standard for Educational Excellence

Respectfully submitted,

Rebecca Kelley
Chief Financial Officer