

**THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL,
SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

ORDINANCE

APPROVING A UTILITY CONTRACT AMENDMENT IN THE INCREASED AMOUNT NOT TO EXCEED \$462,045.89 FOR A TOTAL CONTRACT OF \$38,804,505.87 WITH SUNDT CONSTRUCTION, INC., OF WHICH \$462,045.89 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM (SAWS) FOR CHILLED WATER SUPPLY CONSTRUCTION PHASE SERVICES AS PART OF THE SOUTH ALAMO STREET (MARKET STREET TO EAST CESAR E. CHAVEZ BOULEVARD) PROJECT, LOCATED IN COUNCIL DISTRICT 1; AND AUTHORIZING THE ACCEPTANCE OF FUNDS IN THE AMOUNT OF \$462,045.89 FROM SAWS TO THE SOUTH ALAMO STREET (MARKET STREET TO EAST CESAR E. CHAVEZ) PROJECT. FUNDS ARE AVAILABLE FROM 2017 GENERAL OBLIGATION BOND, CERTIFICATES OF OBLIGATION AND HEMISFAIR TAX INCREMENT REINVESTMENT ZONE FUNDS INCLUDED IN FY 2024 - FY 2029 CAPITAL IMPROVEMENT PROGRAM

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WHEREAS, on May 6, 2017, voters approved the 2017 Bond Program, which authorized \$9,000,000.00 for the South Alamo Street (Market Street to East Cesar E. Chavez Boulevard) project in Council District 1, located downtown San Antonio, between Market Street and Cesar E. Chavez Boulevard, which will include roadway reconstruction, drainage, traffic signals, pedestrian lighting, and landscaping; and

WHEREAS, the project will also include utility upgrades to SAWS water, sewer, and chilled water mains, will include CPS gas and roadway lighting, and include main extensions and services for adjacent Public-Private Partnership at Hemisfair project, including water, fireline, wastewater, natural gas, electric, and telecommunications; and

WHEREAS, construction began in December 2022 and is estimated to be completed in Spring 2025; and

WHEREAS, on November 3, 2022, City Council approved the construction contract with Sundt Construction, Inc. in the amount of \$36,628,793.61, of which \$14,795,445.61 was funded from previously authorized 2017 General Obligation Bond funds; \$750,000.00 from Tree Mitigation Fund; \$14,369,555.00 reimbursed by San Antonio Water System; \$1,488,793.00 reimbursed by CPS Energy; and \$5,225,000.00 from Hemisfair Tax Increment Reinvestment Zone (TIRZ) for the South Alamo Street (Market Street to East Cesar E. Chavez Boulevard) project through Ordinance 2022-11-03-0839; and

WHEREAS, additional contract amendments have been approved in the total amount of \$1,713,666.37, including an amendment reimbursed by AT&T in the amount of \$1,500,566.00; and

WHEREAS, the original scope of work for SAWS chilled water infrastructure included installing new lines from Arciniega Street to Market Street along the S. Alamo Street corridor. During construction, it was discovered that a portion of the existing chilled water line conflicted with the proposed lines. For this reason, a portion of the chilled water proposed work was removed from the scope. Additionally, other conflict points were found within the proposed chilled water line (to remain in the scope) that required alignment revisions, additional fittings, and the inclusion of special shoring. New details and restrictions were also deemed necessary to keep services to the existing chilled water customers, including the adjacent hotels, either live and/or minimize shutdown time of chilled water services for affected stakeholders throughout the project; and

WHEREAS, this contract amendment will compensate the contractor for work and costs associated with SAWS chilled water supply design and construction phase services, design revisions, and service/cleaning requirements as part of South Alamo Street (Market Street to East Cesar E. Chavez Boulevard; and

WHEREAS, this proposed amendment will increase the contract capacity by \$462,045.89 to a revised contract amount of \$38,804,505.87;

The following table illustrates the previously authorized amendments since the execution of this agreement:

| Item | Amount |
|------------------------------|-----------------|
| Original Contract Value | \$36,628,793.61 |
| Previous Contract Amendments | \$1,713,666.37 |
| Proposed Contract Amendment | \$462,045.89 |
| Revised Contract Value | \$38,804,505.87 |

WHEREAS, this ordinance amends the construction contract with Sundt Construction Inc. in the increased amount not to exceed \$462,045.89, of which \$462,045.89 will be reimbursed by San Antonio Water System (SAWS) for chilled water supply construction phase services as part of the South Alamo Street (Market Street to East Cesar E. Chavez Boulevard), a 2017 General Obligation Bond, Certificates of Obligation and Hemisfair Tax Increment Reinvestment Zone funded project, located in Council District 1; and authorizes the acceptance of funds in the amount of \$462,045.89 from SAWS to the South Alamo Street (Market Street to East Cesar E. Chavez) project included in the FY 2024 – FY 2029 Capital Improvement Program for utility construction services related to this amendment; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or designee, or the Director of the Public Works Department or designee, is authorized to execute an amendment to the construction contract with Sundt Construction Inc. in the increased amount not to exceed \$462,045.89, of which \$462,045.89 will

be reimbursed by San Antonio Water System (SAWS) for chilled water supply construction phase services as part of the South Alamo Street (Market Street to East Cesar E. Chavez Boulevard).

SECTION 2. The City Manager or designee, or the Director of the Public Works Department or designee, is authorized to accept reimbursement from San Antonio Water System (SAWS) in the amount of \$462,045.89 for chilled water supply construction phase services as part of the South Alamo Street (Market Street to East Cesar E. Chavez Boulevard).

SECTION 3. Payment for this contract amendment not to exceed \$462,045.89 is authorized to be encumbered with purchase orders and made payable to Sundt Construction, Inc. for chilled water supply construction phase services. Payment is in support of Project 23-01609 S Alamo (Market - E César E Chávez Blvd) using WBS 23-01609-05-02-05 with GL Account 5201245. Funding is provided by General Obligation Bond Funds, Tree Preservation Funds and Certificates of Obligation and is in the FY 24-FY 29 CIP Budget. Reimbursement of \$462,045.89 will be received from SAWS.

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 5. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 11th day of January, 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney