

**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 \$509,037.27 FOR A TOTAL CONSTRUCTION CONTRACT IN THE AMOUNT OF \$31,559,486.68 WITH SUNDT CONSTRUCTION, INC. OF WHICH \$509,037.27 WILL BE REIMBURSED BY CPS ENERGY FOR CONSTRUCTION SERVICES RELATED TO A GAS MAIN REPLACEMENT AT THE SANTA ROSA STREET AND NUEVA STREET INTERSECTION AS PART OF THE ZONA CULTURAL STREETS - SANTA ROSA STREET (CESAR E. CHAVEZ BOULEVARD TO MARTIN STREET) PROJECT LOCATED IN COUNCIL DISTRICT 1; AND AUTHORIZING THE ACCEPTANCE OF FUNDS IN THE AMOUNT OF \$509,037.27 FROM CPS ENERGY TO THE SANTA ROSA (CESAR E CHAVEZ BOULEVARD TO MARTIN STREET) PROJECT. FUNDS ARE AVAILABLE FROM PREVIOUSLY AUTHORIZED DEBT PROCEEDS AND THE 2017 GENERAL OBLIGATION BOND PROGRAM INCLUDED IN THE FY 2024 - FY 2029 CAPITAL IMPROVEMENT PROGRAM

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WHEREAS, on May 6, 2017, voters approved the 2017 Bond Program which authorized \$14,000,000.00 for Commerce Street (Frio Street to Santa Rosa Street), \$6,000,000.00 for San Saba Street (Nueva Street to Martin Street), and \$12,000,000.00 for Santa Rosa Street (Cesar E. Chavez Boulevard to Martin Street) projects located in Council District 1; these projects are within the Zona Cultural District and will provide street reconstruction including pedestrian and landscape amenities as appropriate and within available funding; and

WHEREAS, these Zona Cultural Streets projects are a continuation of the 2012 Bond Commerce Corridor and Cesar Chavez Corridor funded projects that provided for pedestrian connectivity and aesthetic improvements; and

WHEREAS, the project will also include joint-bid utility work in coordination with the San Antonio Water System (SAWS) and CPS Energy; and

WHEREAS, construction began in January 2022 and is estimated to be completed in Fall 2024; and

WHEREAS, on December 16, 2021, City Council approved the construction contract with Sundt Construction, Inc. in the amount of \$30,160,684.89 of which \$5,139,444.75 will be reimbursed by San Antonio Water System (SAWS) and \$1,241,105.85 will be reimbursed by CPS Energy for the Zona Cultural Streets - Commerce Street (Frio Street to Santa Rosa Street), San Saba Street (Nueva

Street to Martin Street), Santa Rosa Street (Cesar E. Chavez Boulevard to Martin Street) project through Ordinance 2021-12-0974; and

WHEREAS, contract amendments to modify and enhance the project have increased this contract by \$889,764.52; and

WHEREAS, during the construction of the Zona Cultural Streets (Santa Rosa) project, an existing 16-inch CPS Energy gas main at the Santa Rosa Street and Nueva Street intersection was discovered at an unanticipated shallow depth and was in conflict with the new roadway elevation; the 16-inch CPS Energy gas main had to be reconstructed at the intersection to allow proper depth clearance under the new roadway elevation to meet Texas Railroad Commission regulations; and

WHEREAS, this contract amendment will compensate the contractor for work and costs associated with replacing the gas main at the Santa Rosa Street and Nueva Street intersection and corresponding street restoration needed to provide proper depth coverage under the new roadway elevation as part of the Zona Cultural Streets – Santa Rosa (Cesar E Chavez Boulevard to Martin Street) project; and

WHEREAS, this proposed contract amendment will increase the contract capacity by \$509,037.27 to a revised contract value of \$31,559,486.68;

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

Item	Amount
Original Contract Value	\$30,160,684.89
Previous Contract Amendments	\$889,764.52
Proposed Contract Amendment	\$509,037.27
Revised Contract Value	\$31,559,486.68

WHEREAS, this ordinance amends a construction contract with Sundt Construction, Inc. in the increased amount not to exceed \$509,037.27 of which \$509,037.27 will be reimbursed by CPS Energy for construction services related to a gas main replacement at the Santa Rosa Street and Nueva Street intersection as part of the Zona Cultural Streets - Santa Rosa Street (Cesar E. Chavez Boulevard to Martin Street) project; and authorizes the acceptance of funds in the amount of \$509,037.27 from CPS Energy to the Santa Rosa (Cesar E Chavez Boulevard to Martin Street) project included in the FY 2024 - FY 2029 Capital Improvement Program for utility construction services related to this amendment; and

WHEREAS, payment to the Contractor will be determined in coordination with CPS Energy based on the confirmation of the final quantities; **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 \$509,037.27 of which \$509,037.27 will be reimbursed by CPS Energy for construction services related to a gas main replacement at the Santa Rosa Street and Nueva Street intersection as part of the Zona Cultural Streets - Santa Rosa Street (Cesar E. Chavez Boulevard to Martin Street) project.

SECTION 2. The City Manager or designee, or the Director of the Public Works Department or designee, is authorized to accept reimbursement from CPS Energy of \$509,037.27 for construction services related to a gas main replacement at the Santa Rosa Street and Nueva Street intersection, determined in coordination with the Contractor and CPS Energy based on the confirmation of the final quantities.

SECTION 3. Payment for this contract amendment not to exceed \$509,037.27 is authorized to be encumbered with purchase orders and made payable to Sundt Construction, Inc. for construction services related to a gas main replacement at the Santa Rosa Street and Nueva Street intersection. Payment is in support of Project 23-01608 Santa Rosa (César E Chávez Blvd - Martin) using WBS 23-01608-05-02-06 with GL Account 5201245. Funding is provided by General Obligation Bond Funds and is in the FY 24-FY 29 CIP Budget. Reimbursement of \$509,037.27 will be received from CPS.

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