

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

ORDINANCE

APPROVING TWO CONTRACT AMENDMENTS AS FOLLOWS: (1) A DESIGN CONTRACT AMENDMENT IN THE INCREASED TOTAL AMOUNT NOT TO EXCEED \$74,860.00 FOR A TOTAL DESIGN CONTRACT OF \$1,363,415.13 WITH MOORE IACOFANO GOLTSMAN, INC. (MIG, INC.) AND (2) A CITY CONSTRUCTION CONTRACT AMENDMENT IN THE INCREASED AMOUNT OF \$800,000.00 FOR RELATED CONSTRUCTION CHANGES, FOR A TOTAL CONSTRUCTION CONTRACT OF \$34,575,777.35 WITH SUNDT CONSTRUCTION, INC. AS PART OF 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 LOCATED IN COUNCIL DISTRICT 1. FUNDS ARE AVAILABLE FROM THE 2017 GENERAL OBLIGATION BOND INCLUDED IN THE FY 2025 CAPITAL BUDGET

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WHEREAS, on May 6, 2017, voters approved the 2017 Bond Program which authorized \$14,000,000 for Commerce Street (Frio Street to Santa Rosa Street), \$6,000,000 for San Saba Street (Nueva Street to Martin Street), and \$12,000,000 for Santa Rosa Street (Cesar E. Chavez Boulevard to Martin Street) projects located in Council District 1, all within close proximity of each other within the Zona Cultural District, and which will provide for the reconstruction of each street including pedestrian and landscape, and which 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 also includes joint-bid utility work in coordination with the San Antonio Water System (SAWS) and CPS Energy. 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 is; and

WHEREAS, on October 5, 2017, City Council approved a Professional Engineering Services Agreement with MIG, Inc. for the San Saba Street (Nueva Street to Martin Street) Project in the amount of \$851,541.00; and

WHEREAS, additional authorized design contract amendments to modify and enhance the project have increased this contract by \$437,014.13, for a current total of \$1,288,555.13; 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) projects; and

WHEREAS, additional construction contract amendments have been approved in the total amount of \$3,615,092.46, including an amendment reimbursed by CPS Energy in the amount of \$509,037.27, for a current total of \$33,775,777.35; and

WHEREAS, the original scope of work included reconstruction of Commerce Street, San Saba Street, and Santa Rosa Street including improvements to underground storm sewer and utilities. ; and

WHEREAS, these designs were based on as-built information provided from the partnering utilities and known information about potential conflicts, but during construction, it was discovered that portions of the underground improvements conflicted with varying proposed utilities and unknown existing conditions, including archeological and underground structure findings, necessitating multiple redesigns, engineering, utility conflict mitigation, and utility coordination with the design revisions, and additional construction changes associated with all these design revisions; and

WHEREAS, the proposed design contract amendment is necessary to compensate the consultant for work and costs associated with additional design and construction services related to field changes as part of the San Saba Street (Nueva Street to Martin Street) Project; and

WHEREAS, the proposed design contract amendment will increase the contract capacity by a total of \$74,860.00 for a revised total contract amount of \$1,363,415.13, as shown in the following table:

Item	Amount
Original Contract Value	\$851,541.00
Previously Authorized Amendments	\$437,014.13
Current Contract Value	\$1,288,555.13
Proposed Contract Amendments	\$74,860.00
Revised Contract Value	\$1,363,415.13

WHEREAS, the proposed construction contract amendment will compensate the contractor for work and costs, in the not to exceed amount of \$800,000.00, associated with upcoming field related changes associated with the associated project redesigns and unforeseen conditions as part of 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) projects; and

WHEREAS, this proposed amendment will increase the contract capacity by \$800,000.00 to a revised total contract amount of \$34,575,777.35, as illustrated in the table below:

Item	Amount
Original Contract Value	\$30,160,684.89
Previous Contract Amendments	\$3,615,092.46
Current Contract Value	\$33,775,777.35
Proposed Contract Amendments	\$800,000.00
Revised Contract Value	\$34,575,777.35

WHEREAS, this ordinance approves two contract amendments as follows: (1) a design contract amendment in the increased total amount not to exceed \$74,860.00 for a total design contract of \$1,363,415.13 with Moore Iacofano Goltsman, Inc. (MIG, Inc.), and (2) a City construction contract amendment in the increased amount of \$800,000.00 for related construction changes, for a total construction contract of \$34,575,777.35 with Sundt Construction, Inc. as part of 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 located in Council District 1; and

WHEREAS, funds are available from the 2017 General Obligation Bond and Certificates of Obligation included in the FY 2025 Capital Budget; and

WHEREAS, construction began in January 2022 and is estimated to be completed in Fall 2025;
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 two contract amendments as follows: (1) a design contract amendment in the increased total amount not to exceed \$74,860.00 for a total design contract of \$1,363,415.13 with Moore Iacofano Goltsman, Inc. (MIG, Inc.), and (2) a City construction contract amendment in the increased amount of \$800,000.00 for related construction changes, for a total construction contract of \$34,575,777.35 with Sundt Construction, Inc. as part of 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 located in Council District 1.

SECTION 2. Funds for this amendment in the amount of \$74,860.00 are available in Fund 45099000, Project 23-01607, WBS Element 23-01607-01-02-01 and GL Account 5201170.

SECTION 3. Payment for this amendment not to exceed \$74,860.00 is authorized to be encumbered with a purchase order and made payable to Moore Iacofano Goltsman, Inc. (MIG, Inc.) Payment is for a design contract amendment. Funds are available from the 2017 General Obligation Bond included in the FY 2025 Capital Budget.

SECTION 4. Funds for this amendment in the amount of \$100,000.00 are available in Fund 45099000, Project 23-01607, WBS Element 23-01607-05-02-01 and GL Account 5201140.

SECTION 5. Funds for this amendment in the amount of \$600,000.00 are available in Fund 45099000, Project 23-01607, WBS Element 23-01608-05-02-01 and GL Account 5201140.

SECTION 6. Funds for this amendment in the amount of \$100,000.00 are available in Fund 45099000, Project 23-01607, WBS Element 23-01569-05-02-01 and GL Account 5201140.

SECTION 7. Payment for this amendment not to exceed \$800,000.00 is authorized to be encumbered with a purchase order and made payable to Sundt Construction, Inc. Payment is for related construction changes. Funds are available from the 2017 General Obligation Bond included in the FY 2025 Capital Budget.

SECTION 8. 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 9. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 20th day of March, 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney