



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 22

**Agenda Date:** October 31, 2024

**In Control:** City Council A Session

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**DEPARTMENT:** Public Works Department

**DEPARTMENT HEAD:** Razi Hosseini

**COUNCIL DISTRICTS IMPACTED:** District 3, District 5

**SUBJECT:**

Amendments: South Presa Street (S.E. Military to W. Boyer) (2017 Bond Project)

**SUMMARY:**

An ordinance authorizing two contract amendments totaling \$430,842.52 of which \$135,824.27 will be reimbursed by CPS Energy for a revised construction contract amount of \$16,803,229.54 with E-Z Bel Construction, LLC for project scope reduction and utility work as part of the South Presa (S.E. Military to W. Boyer) project located in Council Districts 3 and 5, a federal and 2017 General Obligation Bond funded project included in FY 2025 – FY 2030 Capital Improvement Program; and authorizing the acceptance of funds in the amount of \$135,824.27 from CPS Energy for utility work related to the South Presa (S.E. Military to W. Boyer) project.

**BACKGROUND INFORMATION:**

***Project Background***

On May 6, 2017, voters approved the 2017 Bond Program, which authorized \$5,000,000.00 for the South Presa Street (S.E. Military to Southcross Boulevard) project to construct corridor improvements from Military to Southcross, including pedestrian amenities and enhancements. Also included as part of South Presa Street (S.E. Military to Southcross Boulevard) are extended corridor improvements north to W. Boyer funded from reprogrammed funds in the

amount of \$2,000,000.00 from 2012 Bond South Presa Ramps Project previously authorized through Ordinance 2015-08-13-0688.

This project provided roadway improvements along the South Presa corridor and pedestrian connectivity improvements from W. Boyer to S.E. Military, including sidewalks, curbs, and driveway approaches. Also included was ponding relief around Story Lane, Wahrmund Court, and Koehler Court intersections and traffic signal upgrades. The city designed and constructed the improvements leveraging the Texas Department of Transportation, SAWS, and CPS Energy funding.

Construction of the project was substantially completed in May 2024. The remaining scope of work and associated quantities valued in the amount not to exceed \$430,842.52 are being removed from the original contract due to utility and UPRR conflicts and constraints that conflict with improvements to the intersections of Hot Wells and South Presa, as well as Southcross and South Presa. Public Works anticipates including these intersection improvements in future projects once the conflicts can be resolved.

#### ***Previous Council Action & Amendments***

On June 23, 2022, the City Council approved the construction contract with E-Z Bel Construction, LLC for \$16,255,154.34 of which \$2,287,233.45 would be reimbursed by San Antonio Water System and \$1,732,513.03 would be reimbursed by CPS Energy for the South Presa Street (S.E. Military to W. Boyer) project through Ordinance 2022-06-23-0504.

Contract amendments to modify and enhance the project have increased this contract by \$978,917.72 to a total contract amount of \$17,234,072.06. These two proposed contract amendments will decrease the construction contract by \$430,842.52 to a contract amount of \$16,803,229.54, of which \$135,824.27 will be reimbursed by CPS Energy.

The following table illustrates the previously authorized amendments which have occurred since the construction of this project began:

Item	Amount
Original Contract Value	\$16,255,154.34
Previously Authorized Amendments	\$ 978,917.72
Proposed Amendments	\$ (430,842.52)
Revised Contract Value	\$16,803,229.54

These two proposed contract amendments will reduce the construction contract with E-Z Bel Construction, LLC by \$430,842.52 for project scope reduction and utility work.

#### **ISSUE:**

This ordinance authorizes two contract amendments totaling \$430,842.52 of which \$135,824.27 will be reimbursed by CPS Energy for a revised construction contract amount of \$16,803,229.54

with E-Z Bel Construction, LLC for additional utility services and project scope reduction as part of the South Presa (S.E. Military to W. Boyer), project located in Council Districts 3 and 5, a federal and 2017 General Obligation Bond funded project included in FY 2025 – FY 2030 Capital Improvement Program; and authorizing the acceptance of funds in the amount of \$135,824.27 from CPS Energy for utility work related to the South Presa (S.E. Military to W. Boyer) project.

Construction of the project was substantially completed in May 2024. The remaining scope of work and associated quantities are being removed from the original contract due to utility and UPRR conflicts and constraints that conflict with intersection improvements of Hot Wells and South Presa and Southcross and South Presa. Public Works anticipates including these intersection improvements in future projects once the conflicts can be resolved.

The first contract amendment, requested by the City, in the amount of \$566,666.79, will be reduced, and the associated scope will be removed from the original contract. Due to a conflict with the UPRR, the traffic signal scope of work at the intersection of Hot Wells and South Presa and the intersection of Southcross and South Presa were eliminated from the project. This contract amendment adjusts the quantities for the items that were de-scoped from the project.

The second change amendment, requested by CPS Energy, is for \$135,824.27, payable to E-Z Bel Construction, LLC. This proposed contract amendment compensates the contractor for all CPS gas items that were over or underrun due to plan errors and field changes related to the utility work associated with the project.

These two proposed contract amendments will decrease the construction contract with E-Z Bel Construction, LLC by the total amount of \$430,842.52 revising the total contract amount to \$16,803,229.54, for project scope reduction and utility work.

#### **ALTERNATIVES:**

To prevent further delay in project completion, the City and CPS Energy both agreed to allow the contractor to proceed and complete the construction of the project. Alternatively, the City Council could choose to not approve these change orders; however, this would open the City to a possible lawsuit. The most cost-effective option is to approve these change orders.

#### **FISCAL IMPACT:**

This ordinance will decrease the construction contract with E-Z Bel Construction, LLC in the total amount not to exceed \$430,842.52 for a revised total contract amount of \$16,803,229.54, of which \$135,824.27 will be reimbursed by City Public Service Energy for project scope reduction and utility work for the South Presa Street (S.E. Military to W. Boyer) Project.

#### **RECOMMENDATION:**

Staff recommends approval of this ordinance authorizing two contract amendments totaling \$430,842.52 for project scope reduction and utility work as part of South Presa Street (S.E. Military to W. Boyer) project.