

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

ORDINANCE

APPROVING THREE CONTRACT AMENDMENTS AS FOLLOWS:

(1) THREE DESIGN CONTRACT AMENDMENTS IN THE INCREASED TOTAL AMOUNT NOT TO EXCEED \$507,020.00 FOR A TOTAL DESIGN CONTRACT OF \$5,264,218.65 WITH MOORE IACOFANO GOLTSMAN, INC. (MIG, INC.) AND (2) A UTILITY CONSTRUCTION CONTRACT AMENDMENT IN THE INCREASED AMOUNT NOT TO EXCEED \$116,937.00, AND (3) A CITY CONSTRUCTION CONTRACT AMENDMENT IN THE INCREASED AMOUNT OF \$3,000,000.00 FOR RELATED CONSTRUCTION CHANGES, FOR A TOTAL CONSTRUCTION CONTRACT OF \$42,530,795.65 WITH SUNDT CONSTRUCTION, INC. OF WHICH \$116,937.00 WILL BE REIMBURSED BY CITY PUBLIC SERVICE ENERGY (CPS) FOR RELATED FIELD DESIGN AND CONSTRUCTION CHANGES AS PART OF THE SOUTH ALAMO STREET (MARKET STREET TO EAST CESAR CHAVEZ) PROJECT, LOCATED IN COUNCIL DISTRICT 1. FUNDS ARE AVAILABLE FROM THE 2017 GENERAL OBLIGATION BOND, CERTIFICATES OF OBLIGATION, AND HEMISFAIR TAX INCREMENT REINVESTMENT ZONE FUNDS

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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 City Public Service Energy (CPS) gas and roadway lighting, and include main extensions and services for adjacent Public-Private Partnership at Hemisfair project, including water, fire line, wastewater, natural gas, electric, and telecommunications; and

WHEREAS, on November 17, 2011, City Council approved a Professional Engineering Services Agreement with Moore Iacofano Goltsman, Inc. (MIG, Inc.). for the Hemisfair Park Area Street Projects in the amount of \$3,100,000.00 through Ordinance 2011-11-17-0928; and

WHEREAS, additional design contract amendments have been approved by City Council and administratively in the total amount of \$1,657,198.65, for a total present contract value of \$4,757,198.65; 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 construction contract amendments have been approved in the total amount of \$2,785,065.04, including amendments reimbursed by AT&T in the amount of \$1,500,566.00 and reimbursed by SAWS in the amount of \$462,045.89, for a total present contract value of \$39,413,858.65; and

WHEREAS, the original scope of work included reconstruction of S. Alamo Street and improvements to underground storm sewer and utilities including utilities to the adjacent developments at Hemisfair based off of provided as-built information from the partnering utilities and known information about potential conflicts, and during construction, it was discovered that portions of the underground improvements conflicted with varying proposed utilities and unknown existing conditions, including archeological and environmental findings, and the utility improvements for the developments exceeded the original budget, necessitating multiple redesigns and additional construction work; and

WHEREAS, CPS's original scope of utility work included different alignments for the proposed gas main and storm drain lines from East Cesar E. Chavez Boulevard to East Market Street along the South Alamo Street corridor, and during construction, it was discovered that portions of existing utilities conflicted with varying proposed utilities, and so, proposed utility alignments were redesigned, revised, and relocated, necessitating additional design work; and

WHEREAS, the proposed three design contract amendments are necessary to add and revise the scope of work for additional design, engineering, and construction services and will compensate the consultant for work and costs associated with these services related to field changes as part of the South Alamo Street (Market to East Cesar E. Chavez Boulevard) Project; and

WHEREAS, the proposed design contract amendments will increase the contract capacity by a total of \$507,020.00 for a revised contract amount of \$5,264,218.65, as shown in the following table:

Item	Amount
Original Contract Value	\$3,100,000.00
Previously Authorized Amendments	\$1,657,198.65
Present Contract Value	\$4,757,198.65
Proposed Contract Amendments	\$507,020.00
Revised Contract Value	\$5,264,218.65

WHEREAS, the proposed construction contract amendment will compensate the contractor for work and costs associated with CPS-related field changes associated with the removal of CPS gas main in an amount not to exceed \$116,937.00, and will add contract capacity to the construction contract in an amount not to exceed \$3,000,000.00 related to upcoming field changes associated with project redesigns and unforeseen conditions and to promptly address construction changes associated with all these design revisions as part of the South Alamo Street (Market Street to East Cesar E. Chavez Boulevard) project; and

WHEREAS, this proposed amendment will increase the contract capacity by \$116,937.00, which will be reimbursed by CPS, to a revised contract amount of \$39,530,795.65, as illustrated in the table below:

Item	Amount
Original Contract Value	\$36,628,793.61
Previous Contract Amendments	\$2,785,065.04
Present Contract Value	\$39,413,858.65
Proposed Contract Amendment	\$3,116,937.00
Revised Contract Value	\$42,530,795.65

WHEREAS, this ordinance approves the following: (1) three design contract amendments in the increased total amount not to exceed \$507,020.00 for a total design contract of \$5,264,218.65 with MIG, Inc.; and (2) a utility construction contract amendment in the increased amount not to exceed \$116,937.00 of which \$116,937.00 will be reimbursed by CPS for related field changes as part of the South Alamo Street (Market Street to East Cesar E. Chavez Boulevard), a 2017 General Obligation Bond and Hemisfair Tax Increment Reinvestment Zone funded project, located in Council District 1; and authorizes the acceptance of funds in the amount of \$116,937.00 from CPS to the South Alamo Street (Market Street to East Cesar Chavez) project included in FY 2025 – FY 2030 Capital Improvements Program; and

WHEREAS, construction began in December 2022 and is estimated to be completed in Summer 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 approve three design contract amendments in the increased total amount not to exceed \$507,020.00 for a total design contract of \$5,264,218.65 with Moore Iacofano Goltsman, Inc. (MIG, Inc.) for additional design, engineering, and construction services associated with field changes as part of the South Alamo Street (Market to East Cesar E. Chavez Boulevard) Project.

SECTION 2. The City Manager or designee, or the Director of the Public Works Department or designee, is authorized to approve a contract amendment in the increased amount not to exceed \$3,116,937.00 with Sundt Construction, Inc. for field changes as part of the South Alamo Street (Market Street to East Cesar E. Chavez Boulevard) project, and is authorized to accept funds in

the amount of \$116,937.00 from CPS to the South Alamo Street (Market Street to East Cesar Chavez) project included in FY 2025 – FY 2030 Capital Improvements Program for utility construction services related to this amendment.

SECTION 3. Funds for this contract amendment in the amount of \$441,898.00 are available in Fund 45099000, Project 23-01609, WBS Element 23-01609-01-02-01 and GL Account 5201170.

SECTION 4. Funds for this contract amendment in the amount of \$65,122.00 are available in Fund 45099000, Project 23-01609, WBS Element 23-01609-01-02-08 and GL Account 5201170.

SECTION 5. Additional payment not to exceed \$507,000.00 is authorized to be encumbered with a purchase order and made payable to Moore Iacofano Goltsman, Inc (MIG, Inc.). Payment is in support to add and revise the scope of work for additional design, engineering, and construction services associated with these design revisions. Funding is provided by General Obligation bond funds and is included in the FY 2025 - FY 2030 CIP Budget.

SECTION 6. Funds for this contract amendment in the amount of \$116,937.00 are authorized to be received from CPS Energy and appropriated in Fund 45099000, Project 23-01609, WBS Element 23-01609-05-02-06 and GL Account 5201245.

SECTION 7. Funds for this contract amendment in the amount of \$3,000,000.00 are available in Fund 45099000, Project 23-01609, WBS Element 23-01609-05-02-01 and GL Account 5201140.

SECTION 8. Additional payment not to exceed \$3,000,000.00 is authorized to be encumbered with a purchase order and made payable to Sundt Construction, Inc. Payment is in support to add contract capacity to the construction contract to promptly address construction changes associated with all these design revisions. Funding is provided by General Obligation bond funds and is included in the FY 2025 - FY 2030 CIP Budget.

SECTION 9. 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 10. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 30th day of January, 2025.

M A Y O R
Ron Nirenberg

DAH
1/30/2025
Item No.

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

DRAFT