

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

ORDINANCE

**AUTHORIZING TWO CONTRACT AMENDMENTS TOTALING IN AN
AMOUNT NOT TO EXCEED \$430,842.52 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 2024 – FY 2029 CAPITAL
IMPROVEMENT PROGRAM; AND AUTHORIZING THE ACCEPTANCE
OF FUNDS IN THE AMOUNT OF \$135,824.27 FROM CPS ENERGY FOR
CONSTRUCTION SERVICES RELATED UTILITY WORK ON THE
SOUTH PRESA (S.E. MILITARY TO W. BOYER) PROJECT.**

* * * * *

WHEREAS, 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; and

WHEREAS, 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, Wahrmond 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; and

WHEREAS, 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; and

WHEREAS, 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.

WHEREAS, pursuant to Ordinance No. 2016-04-07-0240 as well as San Antonio City Code Sec. 37-3(c)(2), Sec. 29-110, Sec. 29-162, and Sec. 29-164, SAWS and CPS will be responsible for all costs and cost overages related to their utility work, including but not limited to providing the precise location of its facilities in City's right of way, either by delivering accurate maps and records or by performing or reimbursing City for Subsurface Utility Engineering ("SUE"); and

WHEREAS, this 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; **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 in the decreased amount of \$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.

SECTION 2. Funds for these contract amendments in the reduced amount totaling \$430,842.52 is authorized. Funds in the amount of \$135,824.27 are authorized to be accepted from CPS Energy and these funds are authorized to be appropriated into Project 23-01610.

SECTION 3. 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 4. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this ____ day of October, 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney