

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

ORDINANCE

APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR CIVIL ENGINEERING DESIGN SERVICES IN THE INCREASED AMOUNT NOT TO EXCEED \$99,698.50 FOR A TOTAL CONTRACT VALUE OF \$1,159,595.54 WITH IDCUS, INC. OF WHICH \$46,378.50 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM FOR CONSTRUCTION PHASE SERVICES; AND, AWARDING A CONSTRUCTION CONTRACT TO D. PLATA CONSTRUCTION COMPANY, LLC IN THE AMOUNT OF \$4,549,055.22, OF WHICH \$1,054,812.11 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM AND \$448,327.00 WILL BE REIMBURSED BY CPS ENERGY FOR THE BYNUM AVENUE PHASE 2 (WEST MAYFIELD BOULEVARD TO WEST GERALD AVENUE) PROJECT LOCATED IN COUNCIL DISTRICT 4. FUNDS ARE AVAILABLE FROM THE 2022 - 2027 GENERAL OBLIGATION BOND PROGRAM INCLUDED IN THE FY 2023 - FY 2028 CAPITAL IMPROVEMENTS PROGRAM.

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WHEREAS, on May 7, 2022, voters approved the 2022 Bond Program authorizing \$5,000,000.00 to reconstruct Bynum Avenue Phase 2 from West Mayfield Boulevard to West Gerald Avenue with curbs, sidewalks, driveway approaches, drainage, and other improvements as appropriate and within available funding. SAWS and CPS joint-bid utility work will also be included as part of the project; and

WHEREAS, Project construction is anticipated to begin in December 2022 and is estimated to be completed by March 2024; and

WHEREAS, on October 5, 2017, City Council approved civil engineering professional services contract with IDCUS, Inc. in the amount of \$962,696.04 Ordinance No. 2017-10-05-0742; and

WHEREAS, the professional services contract was amended to add \$97,201.00 for a current contract value of \$1,059,987.04; and

WHEREAS, the proposed agreement will add an additional \$99,698.50 for additional services, for a revised total amount of \$1,159,595.54 as reflected in the table below.

Item	Amount
Original Contract Value	\$962,696.04
Previous Amendments	\$97,201.00
Proposed Amendment	\$99,698.50
Revised Contract Value	\$1,159,595.54

Of the total amendment amount, \$46,378.50 will be reimbursed by SAWS for utility water and sewer adjustment services related to this project; and

WHEREAS, this ordinance approves an amendment in the increased amount not to exceed \$99,698.50 to the existing \$1,059,987.04 civil engineering contract with IDCUS, Inc. for construction phase, project close-out and other associated services to expedite the completion of the Bynum Avenue Phase 2 project, a continuation of the substantially completed Bynum Avenue 2017 bond funded project, of which \$46,378.50 will be reimbursed by SAWS for utility water and sewer adjustment services related to this project; and

WHEREAS, the construction project will reconstruct Bynum Avenue from West Mayfield Boulevard to West Gerald Avenue with curbs, sidewalks, driveways approaches, drainage, and other improvements as appropriate and within available funding. The joint-bid utility work will include water main adjustments, sewer main replacement and gas line adjustments within the project limits. Project construction is anticipated to begin in December 2022 and estimated to be completed by March 2024; and

WHEREAS, this construction project was advertised on July 29, 2022 and four (4) bids were received and opened on September 9, 2022, with D. Plata Construction Company, LLC submitting the lowest responsive bid; and

WHEREAS, this construction contract will be awarded in compliance with the Small Business Economic Development Advocacy (SBEDA) Program and the Goal Setting Committee recommendation of a 22% Minority/Women Business Enterprise (M/WBE) subcontracting goal and a 2% African American Business Enterprise (AABE) subcontracting goal that D. Plata Construction Company, LLC has committed to meeting; and

WHEREAS, this ordinance accepts the lowest responsive bid and awards the Bynum Avenue Phase 2 (West Mayfield Boulevard to West Gerald Avenue) Construction Contract, to D. Plata Construction Company, LLC in an amount not to exceed \$4,549,055.22, of which \$1,054,812.11 will be reimbursed by SAWS and \$448,327.00 will be reimbursed by CPS Energy; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. This ordinance authorizes approval and execution of an amendment in the increased amount not to exceed \$99,698.50 Professional Services Agreement with IDCUS, Inc. for a total of \$1,159,595.54, of which \$46,378.50 will be reimbursed by San Antonio Water System (SAWS); and approves the lowest responsive bid and awarding a construction contract to D. Plata Construction Company, LLC in the amount of \$4,549,055.22, of which \$1,054,812.11 will be reimbursed by SAWS and \$448,327.00 will be reimbursed by CPS Energy for the Bynum Avenue Phase 2 (West Mayfield Boulevard to West Gerald Avenue) project, a 2022 Bond funded project. The City Manager, or his designee, is authorized to execute the Amendment, a copy of which is attached as **Exhibit 1**.

SECTION 2. Payment is authorized to be encumbered and made payable to IDCUS, Inc., in an amount not to exceed \$99,698.50. Payment is in support of the Bynum Ave Ph2 (W Mayfield Blvd-W Gerald Av) Project using Fund 45099000 with the WBS Element 23-03868-01-02-01 and GL Account 5201170. Funding for this project is provided by GO Bonds and is in the FY2023-FY2028 CIP Budget. Reimbursement of \$46,378.50 will be received from SAWS.

Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

SECTION 3. Payment is authorized to be encumbered and made payable to D. Plata Construction Company, LLC in an amount not to exceed \$4,549,055.22. Payment is in support of the Bynum Ave Ph2 (W Mayfield Blvd-W Gerald Av) Project using Fund 45099000 with the WBS Element 23-03868-05-02-01 and GL Account 5201170. Funding for this project is provided by GO Bonds and is in the FY2023-FY2028 CIP Budget. Reimbursements of \$1,054,812.11 will be received from SAWS and \$448,327.00 received from CPS.

Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

SECTION 4. Payment not to exceed \$500,000.00 is authorized to be encumbered with purchase orders and made payable to Chesney Morales Partners, Inc., for on-call architectural services.

SECTION 5. 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 6. 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 December, 2022.

TG
12/15/22
Item No. 22-188475

M A Y O R

Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney