

ORDINANCE 2022-12-15-0961

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.

* * * * *

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 a civil engineering professional services contract with IDCUS, Inc. in the amount of \$962,696.04 through 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.

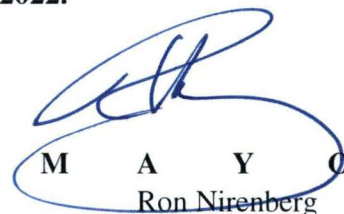
SECTION 3. Payment is authorized to be encumbered and made payable to D. Plata Construction Company, LLC in an amount not to exceed \$4,549,055.22. Payment is in support of the Bynum Ave Ph2 (W Mayfield Blvd-W Gerald Av) Project using Fund 45099000 with the WBS Element 23-03868-05-02-01 and GL Account 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. 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 5. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.


PASSED AND APPROVED this 15th day of December, 2022.


M A Y O R
Ron Nirenberg

ATTEST:


Debbie Racca-Sittre, City Clerk

APPROVED AS TO FORM:


Andrew Segovia, City Attorney



City of San Antonio

City Council Meeting December 15, 2022

19.

2022-12-15-0961

Ordinance amending the Professional Services Agreement with IDCUS, Inc. 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 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 will be reimbursed by CPS Energy for the Bynum Avenue Phase 2 (West Mayfield Boulevard to West Gerald Avenue) project. Funding is from the 2022 - 2027 General Obligation Bond Program included in the FY 2023 - FY 2028 Capital Improvements Program. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

Councilmember Rocha Garcia moved to Approve on the Consent Agenda. Councilmember Castillo seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Gallagher

EXHIBIT 1

**AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT
FOR
CIVIL ENGINEERING DESIGN SERVICES
FOR
BYNUM AVENUE (W. GERALD TO SW MILITARY) PROJECT
(PROJECT NUMBER: 23-03868)**

This Amendment to the Professional Services Agreement for Civil Engineering and Design Services for the Bynum Avenue (W. Gerald to SW Military) Project, is entered into by and between the City of San Antonio ("City"), a home rule municipal corporation, acting by and through its City Manager, and IDCUS, Inc. ("Consultant"), acting by and through its duly authorized corporate representative, as set out below. The City and Consultant are referred to collectively herein as the "Parties".

WHEREAS, the voter approved 2017 Bond Program approved reconstruction of Bynum Avenue from W. Gerald to SW Military with curb, sidewalks, driveway approaches, drainage, and other improvements as appropriate and within available funding. It was determined that additional funds were needed to complete the project and the alternate design known as Phase 2, and this project was approved as part of the voter approved 2022 Bond Program; and

WHEREAS, in October 2017, through Ordinance 2017-10-05-0742, the City and Consultant entered into the Professional Services Agreement for the Bynum Avenue (W. Gerald to SW Military) Project in an amount not to exceed \$962,696.04 ("Original Agreement"), which amount has been increased to \$1,059,897.00 pursuant to Change Order Amendments 1-4 executed with administrative authority; and

WHEREAS, the Parties desire additional civil engineering and design services for Phase Two of the Bynum Avenue (W. Gerald to SW Military) Project as described in the 2022 Bond Program in the amount of \$99,698.50; and

WHEREAS, the Contract Price is hereby revised to a not to exceed amount of \$1,159,595.54; and

WHEREAS, the Parties desire to extend the term of the Agreement to March 31, 2024;

NOW THEREFORE, in consideration of the terms, covenants, agreements and demises herein contained each to the other given, the sufficiency and receipt of which are hereby acknowledged, the Original Agreement is amended as follows:

1. **Contract Price.** The not to exceed amount of the Contract Price is hereby increased in the amount of \$99,698.50 for a revised not to exceed Contract Price of ONE MILLION ONE HUNDRED AND FIFTY NINE THOUSAND, FIVE HUNDRED NINETY FIVE AND 54/100 U.S. DOLLARS (\$1,159,595.54).
2. **Scope of Services:** Article IV and Exhibit A of the Original Agreement are amended to include an additional Scope of Work that will added to and incorporated into the Original Agreement as Exhibit A-1. The additional Scope of Work is attached to this Amendment

at **Exhibit 1**.

3. **Term of agreement.** Article V and Exhibit A of the Original Agreement is amended to extend the term of the agreement to March 31, 2024.
4. Except as amended hereby, all other provisions of the Agreement and corresponding Amendments are hereby retained in their entirety and remain unchanged.

Signatures to follow

EXECUTED and **AGREED** to this _____ day of _____, 2022.

CITY OF SAN ANTONIO

IDCUS, INC.

(Signature)

Erik Walsh, City Manager

DocuSigned by:

Larry Janak

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(Signature)

Larry F. Janak, President and CEO

Approved as to Form:

Assistant City Attorney

Exhibit 1



October 6, 2022

Mr. Eric Salazar, P.E.
Project Manager
Public Works Department
P.O. Box 839966
San Antonio, TX 78283-3966

Re: Bynum Ave Phase 2 (W. Gerald Ave to McLaughlin Ave) Construction Phase Services

Dear Mr. Salazar,

IDCUS would like to submit the following fee proposal for the Bynum Phase 2 Included are the fee proposal breakdown:

<u>COSA Construction Phase Services</u>	<u>Fee</u>
Base Services	
1) Construction Phase IDCUS	\$37,960.00
2) Project Closeout IDCUS	\$4,160.00
Base Services Subtotal	\$42,120.00
Additional Services and Allowances	
1) Time Impact Analysis IDCUS	\$11,200.00
2) Utility Services (SAWS)	\$46,378.50
Additional Services and Allowances Subtotal	\$57,578.50
TOTAL COSA Construction Phase Services	\$99,698.50

Attached is the fee schedule breakdown for the aforementioned services.

Sincerely,
IDCUS

Rolando Escamilla, PE
Senior Project Manager

**City of San Antonio
Transportation & Capital Improvements**

FEE SUMMARY AND TIMELINE FOR PROFESSIONAL SERVICES

Project:	Bynum Ave. Reconstruction - PH 2
Prime Consultant:	IDCUS Inc.
Subconsultant:	N/A
Proposal Date:	9/26/2022
Prepared By:	Chuck Shine, PE and Rolando Escamilla, PE

Scope of Work: Constructruction Phase Services, Utility Design (Water, Sewer) for Bynum Ave. from W. Gerald Ave. to Mayfield (Phase 2)		
ACTIVITY	TIMELINE (Months)	FEE
Base Design Fee		
Construction Phase	11	\$37,960.00
1. IDCUS Inc.		\$37,960.00
2. YPR		\$0.00
Project Closeout		\$4,160.00
1. IDCUS Inc.		\$4,160.00
2. YPR		
BASE FEE TOTAL	11	\$42,120.00
Additional Services and Allowances	Firm	Fee
1. Tiime Impact Analysis	IDCUS Inc.	\$11,200.00
2. Utility Services (SAWS)		\$46,378.50
ADDITIONAL SERVICES TOTAL		\$57,578.50
GRAND TOTAL		\$99,698.50

City of San Antonio - Transportation Capital Improvement (TCI)

PROJECT WORK PLAN AND FEE PROPOSAL BREAKDOWN

Project:	Bynum Engineering - Phase 2
Prime Consultant:	IDCUS Inc.
Proposal Date:	9/26/2022

	Principal	Senior Project Manager	Senior Project Engineer	EIT III	Admin/ Clerical				
Bynum Ave. Reconstruction	\$295.00	\$225.00	\$180.00	\$110.00	\$60.00				
TASK CODE AND DESCRIPTION	HOURS	HOURS	HOURS	HOURS		HOURS	Sheets	HR/SHT	FEE
Bid Phase	0	0	0	0	0	0	0		\$0.00
12. Bid Phase									
12.010 Submit 100% Plans With All Joint-Bid Utilities						0			\$0.00
TOTAL BID PHASE FEE WITH HOUR BREAKDOWN	0	0	0	0	0	0	0		\$0.00

Construction Phase Services - Phase 2	0	0	107	158	22	287	0		\$37,960.00
13 Construction Phase (Assume 11 Months)									
13.010 Bi-Weekly Construction Update MTGs/Prepare MTG Minutes (assume 2/hrs per mtg)			44	44	11	99	0	N/A	\$13,420.00
13.020 Monthly Construction Observation Reports			4	15	11	30	0	N/A	\$3,030.00
13.030 Review Monthly Estimates			5	5		10	0	N/A	\$1,450.00
13.040 Prepare Shop Drawing List and Review/Approve submittal			16	24		40	0	N/A	\$5,520.00
13.040 Prepare Change Order (Assume 6 CO's)			16	32		48	0	N/A	\$6,400.00
13.060 Review RFIs / Responses (assume 10 RFIs)			16	32		48	0	N/A	\$6,400.00
13.070 Final Inspection & provide Punchlist Report			4	4		8	0	N/A	\$1,160.00
13.080 TDLR Inspection			2	2	HOURS	4	0	N/A	\$580.00
TOTAL CONSTRUCTION PHASE FEE WITH HOUR BREAKDOWN	0	0	107	158	22	287	0		\$37,960.00
Project Closeout	0	0	6	28	0	34	0		\$4,160.00
15 Project Closeout									
13.080 Attend 1-year warranty inspection			4	4		8	0	N/A	\$1,160.00
13.090 Quarterly Updates of Record Drawings (4 MTGs)			2	24		26	0	N/A	\$3,000.00
TOTAL PROJECT CLOSEOUT FEE WITH HOUR BREAKDOWN	0	0	6	28	0	34	0		\$4,160.00
TOTAL BASE FEE WITH HOUR BREAKDOWN	0	0	119	214	22	355	0	0	\$42,120.00
Grand Total Basice Fee									\$42,120.00

Constuction Cost	\$42,120.00
Base Design Fee Costs (% of Construction)	100.0%

Additional Services									
14.01 Perform Time Impact Analysis of Contractors Schedule Delay Claim (TIA) - (assume 2)		40		20		60			\$11,200.00
15.020 SAWS Utility Adjustments									
Construction Coordination with SAWS (4 MTGs)									
Sub-Total (SAWS UT Adjustments)									\$11,200.00
Total Additional Services									\$11,200.00
Grand Total Fee									\$53,320.00

End of Exhibit 1