

ORDINANCE

DELEGATING AUTHORITY TO THE CITY MANAGER TO APPROVE CHANGE ORDERS AND AMENDMENTS IN AMOUNTS NOT TO EXCEED THE PERCENTAGE OF CONTINGENCY ESTABLISHED AT THE AWARD OF CONTRACT FOR PROJECTS ASSOCIATED WITH THE SAN ANTONIO AIRPORT'S STRATEGIC DEVELOPMENT PROGRAM.

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WHEREAS, the City of San Antonio has embarked on a major expansion of the San Antonio International Airport (SAT) to accommodate projected future growth and enhance the passenger experience at SAT; and

WHEREAS, the expansion consists of the Terminal Development Program (TDP) and Airfield Program (AP), which collectively include a new terminal (with up to seventeen gates including up to six Federal Inspection Services international/domestic swing gates), terminal access roadway, upgrades to the central utility plant, a centralized receiving and distribution center, a ground transportation center and parking garage, terminal support facilities, hangar demolition, a Terminal A and B connector, terminal apron, utilities, fuel farm and fuel transmission lines, new triturator, runway/taxiway improvements and other airfield improvements. The TDP and AP projects jointly make up the Strategic Development Program (SDP); and

WHEREAS, the SDP projects are funded through airport revenues, grants and debt and will utilize no monies from the City's general fund; and

WHEREAS, the projects associated with executing the SDP will comprise the largest construction project the City has undertaken to date and any construction schedule delays would be very expensive; and

WHEREAS, in order to expedite the construction and avoid any costly delays, this ordinance delegates the authority to execute change orders and amendments associated with the SDP construction and consulting contracts within the parameters set out herein; and

WHEREAS, ordinance 2011-12-08-1014, limits the delegation of change order approval authority to increases or decreases of \$100,000 in accordance with state law for public works contracts pursuant to Texas Local Government Code, Section 252.048, and \$50,000 for contracts governed by Certificates of Obligation under Section 271.060; and

WHEREAS, there are no restrictions on dollar amount of amendments to construction contracts procured under Texas Government Code Chapter 2269, nor are there limits on amendment approval authority that can be delegated; and

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WHEREAS, Chapter 2254 of the Government Code does not restrict the dollar amount that professional and consulting services agreements can be amended nor does it limit the amount that amendment approval authority can be delegated; and

WHEREAS, delegation of authority to approve change orders and execute amendments adopts industry best practices for airport construction by expediting the processing for change order and amendment approval and avoiding costly construction delays; **NOW THEREFORE:**

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

SECTION 1. For Terminal Development Program and Airfield Program construction contracts procured pursuant to Chapter 2269 of the Texas Government Code and professional and consulting services agreements procured pursuant to Chapter 2254 of the Government Code which are awarded by City Council and include contingency amounts, the City Manager or designee is hereby authorized to approve individual change orders and amendments to such contracts in an amount up to and including the percentage of contingency established at the award of contract. City Council will receive a report within 30 days of the issuance of a change order or amendment utilized with this authority.

SECTION 2. The authority granted by this ordinance is extended to any successor manager who performs duties comparable to those performed by the manager named above, in the event of an organizational restructuring or the creation of new or changed positions or titles.

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

PASSED AND APPROVED this 18th day of May 2023.

M A Y O R
Ron Nirenberg

ATTEST: APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney