

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

ORDINANCE

AMENDING THE CONTRACT WITH CLARK CONSTRUCTION OF TEXAS, INC. IN THE INCREASED AMOUNT OF \$1,123,000 FOR A REVISED 2023 STREET REHABILITATION TASK ORDER CONTRACT PACKAGE 10 CONTRACT VALUE OF \$5,611,597.70 FOR ADDITIONAL CONSTRUCTION SERVICES TO COMPLETE STREET REHABILITATION PROJECTS. FUNDS ARE INCLUDED IN THE FY 2024 ADOPTED BUDGET AND ARE AVAILABLE FROM THE GENERAL FUND, ADVANCED TRANSPORTATION DISTRICT FUND, 2022 GENERAL OBLIGATION BOND PROGRAM, DEBT PROCEEDS, AND OTHER FUNDING SOURCES INCLUDED IN THE FY 2024 – FY 2029 CAPITAL IMPROVEMENT PROGRAM.

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WHEREAS, on May 18, 2023, through Ordinance 2023-05-18-0319, City Council awarded the 2023 2023 Street Rehabilitation Task Order Contract Package 10 to Clark Construction of Texas, Inc. in an amount not to exceed \$4,488,597.70, of which \$126,235.00 would be reimbursed by San Antonio Water System and \$5,625.00 would be reimbursed by CPS Energy for related necessary adjustments to their existing infrastructure, for street asphalt overlay to include subgrade and treatment, installation of flexible and asphaltic base courses, asphalt surface course installation, concrete curbs, sidewalks, curb ramps, driveways, and any other required work for the completion of rehabilitation projects located throughout the City; and

WHEREAS, the Public Works Department desires to amend the contract with Clark Construction of Texas, Inc. to include additional construction services and contract capacity. This proposed amendment will increase the contract capacity by \$1,123,000.00 to a revised contract value of \$5,611,597.70. This will be the first amendment for this contract. The following table illustrates the amendment(s) since the execution of this contract:

| Item | Amount |
|-------------------------|----------------|
| Original Contract Value | \$4,488,597.70 |
| Proposed Amendment | \$1,123,000.00 |
| Revised Contract Amount | \$5,611,597.70 |

This amendment will compensate the contractor for work and costs associated with street rehabilitation projects to expedite the completion of these projects citywide. The amendment amount does not exceed the permissible threshold authorized by state law.

WHEREAS, all of the other provisions of the task order contract authorized by Ordinance 2023-05-18-0319, including the Small Business Economic Development Advocacy (SBEDA) Program goals will continue in full force and effect; and

WHEREAS, this ordinance approves a contract amendment in the increased amount of \$1,123,000.00 for a revised 2023 Street Rehabilitation Task Order Contract Package 10 contract value of \$5,611,597.70 with Clark Construction of Texas, Inc.; **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 amend the 2023 Street Rehabilitation Task Order Contract Package 10 with Clark Construction of Texas, Inc. to an amount not to exceed \$5,611,597.70.

SECTION 2. Funding for this ordinance will be identified when work orders are issued. If funding for any work orders is not previously appropriated, funding will be identified and appropriated through subsequent City Council action. Payment is limited to the amounts budgeted in the Operating, Grants, and/or Capital Budget funding sources identified. All expenditures will comply with Operating, Grants, and/or Capital Budgets for current and future fiscal years.

SECTION 3. Payment not to exceed \$1,123,000.00 is authorized to be encumbered with purchase orders and made payable to Clark Construction of Texas, Inc., for a change order increase to 2023 Street Rehabilitation Task Order Contract Package 10. Payment is in support of Project 23-04129 F2024 Street Maintenance Program (SMP) using WBS 23-04129-08-05-02-01 with GL 5201140. Funding is provided by Tax Notes, CO Bonds, General Fund and ATD Fund, and is in the FY24-FY29 CIP Budget.

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 ____ day of October, 2023.

M A Y O R
Ron Nirenberg

TG
10/19/2023
Item No.

ATTEST: APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

DRAFT