

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

ORDINANCE

**APPROVING A CONTRACT AMENDMENT IN THE INCREASED
AMOUNT OF \$645,428.66 FOR A REVISED CONSTRUCTION
CONTRACT VALUE OF \$ 8,091,522.44 WITH TEXAS STERLING
CONSTRUCTION CO. RELATED TO UTILITY CONFLICTS FOR
THE SOUTH FOSTER ROAD PHASE II PROJECT LOCATED IN
COUNCIL DISTRICT 2, AND AUTHORIZING THE ACCEPTANCE
OF FUNDS IN THE AMOUNT OF \$645,428.66 FROM SAN ANTONIO
WATER SYSTEM. FUNDS ARE AVAILABLE FROM PREVIOUSLY
AUTHORIZED GENERAL OBLIGATION BOND FUNDS
INCLUDED IN FY 2024 – FY 2029 CAPITAL IMPROVEMENT
PROGRAM**

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WHEREAS, on August 12, 2021, the City Council approved a construction contract with Texas Sterling Construction Co. through Ordinance 2021-08-12-0557 for the South Foster Road Phase II (4000’ N to Houston Street/FM 1346) project in Council District 2, in the amount of \$7,263,798.55, of which \$2,523,251.17 was funded from the South Foster Road Phase I (Rigsby to 4000’ N) project, \$1,451,820 reimbursed by San Antonio Water System (SAWS), and \$938,558.26 reimbursed by CPS Energy; and

WHEREAS, previous contract amendments to modify and enhance the project have increased this contract by \$182,295.23 for a present total value of \$7,446,093.78; and

WHEREAS, during project construction, a utility conflict was identified with a SAWS Foster Elevated Storage Tank Overcoat & Maintenance project during completion of the water main tie-ins needed to complete the project, which required the existing 24” water main to remain operational, which resulted in project delays; and

WHEREAS, this contract amendment will compensate the contractor, Texas Sterling Construction Co., for the work and costs associated with additional construction work and incurred project delays resulting from the unforeseen utility conflicts encountered during construction; and

WHEREAS, this proposed amendment will increase the contract capacity by \$645,428.66 for a revised contract amount of \$8,091,522.44, as illustrated by the following table:

| Item | Amount |
|-------------------------|----------------|
| Original Contract Value | \$7,263,798.55 |
| Previous Amendments | \$182,295.23 |
| Present Contract Value | \$7,446,093.78 |
| Proposed Amendment | \$645,428.66 |
| Revised Contract Value | \$8,091,522.44 |

WHEREAS, this ordinance approves a contract amendment in the increased amount of \$645,428.66 for a revised construction contract amount of \$8,091,522.44 with Texas Sterling Construction Co. for additional construction services related to utility conflicts for the South Foster Road Phase II project located in Council District 2; and authorizes the acceptance of funds in the amount of \$645,428.66 from San Antonio Water System for utility conflicts encountered during construction; **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 a contract amendment in the increased amount of \$645,428.66 for a revised construction contract amount of \$8,091,522.44 with Texas Sterling Construction Co. for additional construction services related to utility conflicts for the South Foster Road Phase II project.

SECTION 2. Payment for this contract amendment not to exceed \$645,428.66 is authorized to be encumbered with a purchase order and made payable to Texas Sterling Construction Co. related to utility conflicts for the South Foster Road Phase II project. Payment is in support of Project 23-01862 S. Foster Rd Phase II using WBS element 23-01862-05-02-04 and GL Account 5201245. Funding is provided by General Obligation bond funds and San Antonio Water System and is in the FY 2024 - FY 2029 CIP Budget. \$645,428.66 will be reimbursed by San Antonio Water System. This reimbursement of funds are authorized to be appropriated into Project 23-01862.

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 2nd day of May 2024.

DAH
5/2/2024
Item No.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

DRAFT