

ORDINANCE

2022-05-19-0354

**AMENDING A DESIGN-BUILD SERVICES AGREEMENT WITH F.A. NUNNELLY COMPANY IN THE INCREASED TOTAL AMOUNT NOT TO EXCEED \$3,521,294.00 FOR A TOTAL AMOUNT OF \$14,071,294.00 FOR ESCALATED CONSTRUCTION MATERIAL AND LABOR COSTS RELATED TO THE SAN ANTONIO POLICE STATION AT ST. MARY'S PROJECT, A 2017 – 2022 GENERAL OBLIGATION BOND PROGRAM AND CERTIFICATES OF OBLIGATION FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 1; AND, AUTHORIZES THE REALLOCATION AND AMENDING OF THE FY 2022 – FY 2027 CAPITAL IMPROVEMENT PROGRAM WITH FUNDS IN THE TOTAL AMOUNT OF \$3,600,000.00 OF WHICH \$1,400,000.00 IS FROM FY 2021 GENERAL FUND AND \$2,200,000.00 FROM THE RESERVE FOR CAPITAL PROJECTS TO THE SAN ANTONIO POLICE STATION AT ST. MARY'S PROJECT.**

\* \* \* \* \*

**WHEREAS**, on May 6, 2017, voters approved the 2017 Bond Program, which authorized \$18,241,000.00 million for constructing the Police Station at St. Mary's.

**WHEREAS**, the project will be located at 2020 N. St. Mary's Street, including two adjacent properties acquired in May 2020, consists of the construction of a new 24,000 square foot building to accommodate the needs of the San Antonio Police Department (SAPD) Patrol, SA Fear Free Environment (SAFFE), Property Crimes, and Critical Response Team (CRT) divisions; and

**WHEREAS**, also included as part of the new facility is a community room, approximately 120 parking spaces for SAPD and the public, an outdoor public area, and a Public Art San Antonio component; and

**WHEREAS**, on December 10, 2020 through Ordinance 2020-12-10-0889 City Council approved a contract with F.A. Nunnelly Company for the design and construction of the San Antonio Police Station at St. Mary's Street project in the amount of \$10,550,000.00; and

**WHEREAS**, the amendment is necessary for escalated construction material and labor costs related in additional amount of \$3,521,294.00 for a total contract amount \$14,071,294.00; and

**WHEREAS**, construction is anticipated to begin in December 2022 and is expected to be completed in January 2024; and

**WHEREAS**, this Ordinance also approves amending of FY 2022 – FY 2027 Capital Improvement Program with the reallocation of funds in the total amount of \$3,600,000.00, of which \$1,400,000.00 is from FY 2021 General Fund and \$2,200,000.00 from the Reserve for Capital Projects to the San Antonio Police Station at St. Mary's project.

**WHEREAS**, this Ordinance authorizes amending a Design-Build Services Agreement with F.A. Nunnelly Company in the increased total amount not to exceed \$3,521,294.00 for a total amount of \$14,071,294 to the San Antonio Police Station at St. Mary's project, a 2017 – 2022 General Obligation

Bond Program and Certificates of Obligation funded project, located in Council District 1; **NOW THEREFORE:**

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

**SECTION 1.** The City Manager or his designee is hereby authorized to execute an amendment to the Design-Build Services Agreement with F.A. Nunnelly Company in the increased total amount not to exceed \$3,521,294.00 for the San Antonio Police Station at St. Mary's project, a 2017 – 2022 General Obligation Bond Program and Certificates of Obligation funded project, located in Council District 1, attached hereto as **Attachment I**; and, authorized the reallocation and amending of the FY 2022 – FY 2027 Capital Improvement Program with funds in the total amount of \$3,600,000.00 of which \$1,400,000.00 is from FY 2021 General Fund and \$2,200,000.00 from the Reserve for Capital Projects to the San Antonio Police Station at St. Mary's project.

**SECTION 2.** The amount of \$1,400,000.00 is reappropriated from Fund 40099000 Other Capital Projects, IO 390000002545, GL 6102100 Transfer Out entitled Trf to 23-01874-90-14-02 to Fund 45099000 GO Capital Projects, IO 39000000xxxx, GL 6102100 Transfer Out entitled 23-01735-90-xx-xx-xx.

**SECTION 3.** The amount of \$2,200,000.00 is reappropriated from Fund 43099000 C of O Capital Projects, CO-20214-01-01-02, GL 6102100 Transfer Out entitled Trf to 40-00445-90-02-21-01 to Fund 45099000 GO Capital Projects, CO-xxxx-xx-xx-xx, GL 6102100 Transfer Out entitled 23-01735-90-xx-xx-xx.

WBS	GL	AMOUNT
23-01874-90-14-02	6101100	-\$1,400,000.00
Subtotal		\$1,400,000.00
23-01874-02-05-02-01	5201140	-700,000.00
23-01874-03-05-05	5201170	-31,675.00
23-01874-03-05-02-01	5201140	-12,327.02
23-01874-03-05-04	5402050	-6,573.01
23-01874-03-05-05	5201170	-17,365.00
23-01874-04-05-02-01	5201140	-573,469.85
23-01874-04-05-05	5201170	-42,535
23-01874-06-05-01	5203040	-1,342.27
Subtotal		\$1,400,000.00

**SECTION 4.** The budget in Fund 40099000, Project 23-01874 FY 2021 SMP shall be revised by decreasing the WBS Elements and GL accounts by the amounts in the table below.

**SECTION 5.** The budget in Fund 43099000, Project 40-00445 Reserve for Future Capital Projects shall be revised by decreasing the WBS Element 40-00445-90-02-21-01 with GL Account 6101100 by \$2,200,000.00.



**SECTION 6.** The budget in Fund 45099000, Project 23-01735 SA Police Station at St. Mary's & Park Police shall be revised by increasing the WBS Elements and GL accounts by the amounts in the table below.

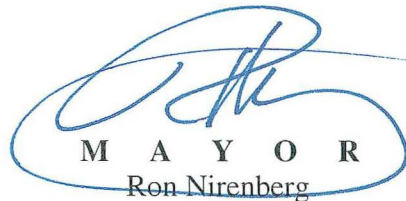
WBS	GL	AMOUNT
23-01735-90-14-xx-xx	6101100	\$1,400,000.00
23-01735-90-02-xx-xx	6101100	2,200,000.00
Subtotal		\$3,600,000.00
23-01735-06-05-01	5402030	\$52,497.00
23-0735-06-05-01	5402050	26,209.00
23-01735-06-05-02	5201140	3,521,294.00
Subtotal		\$3,600,000.00

**SECTION 7.** Payment is authorized to be encumbered and made payable to the F.A. Nunnelly Company in an amount not to exceed \$3,521,294.00. Payment is in support of the 23-01735 SA Police Station at St. Mary's & Park Police Project using Fund 45099000 with WBS 23-01735-06-05-02 and GL 5201140. Funding for this project is provided by GO Bonds, CO Bonds, and General Fund, and is in the FY2022-FY2027 CIP Budget as amended above.

**SECTION 8.** 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 Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 9.** This Ordinance shall be effective upon passage by eight affirmative votes; otherwise, it shall be effective on the tenth day after passage.

**PASSED AND APPROVED** this 19th day of May, 2022.

  
M A Y O R  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

  
Debbie Racca-Sittre, City Clerk

  
Andrew Segovia, City Attorney



## City of San Antonio

### City Council Meeting May 19, 2022

**13. 2022-05-19-0354**

Ordinance amending a DesignBuild Services Agreement with F.A. Nunnelly Company in the increased total amount not to exceed \$3,521,294.00 for a total amount of \$14,071,294 for escalated construction material and labor costs related to the San Antonio Police Station at St. Mary's project, a 2017 – 2022 General Obligation Bond Program and Certificates of Obligation funded project, located in Council District 1; and, authorizes the reallocation and amending of the FY 2022 – FY 2027 Capital Improvement Program with funds in the total amount of \$3,600,000.00 of which \$1,400,000.00 is from the General Fund and \$2,200,000.00 from the Reserve for Capital Projects to the San Antonio Police Station at St. Mary's project. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Viagran seconded the motion. The motion by the following vote:

**Aye:** Nirenberg, Bravo, McKeeRodriguez, Viagran, Castillo, Sandoval, Pelaez, Courage

**Absent:** Rocha Garcia, Cabello Havrda, Perry

**ATTACHMENT I**

**Amendment to Nunnelly Design Build Contract  
of St. Mary's St. Police Station**

**FIRST AMENDMENT  
TO  
DESIGN-BUILD CONTRACT  
ARCHITECTURAL AND ENGINEERING  
DESIGN AND CONSTRUCTION SERVICES  
FOR POLICE STATION AT ST. MARY'S STREET  
PROJECT NUMBER: 23-01735**

This first amendment to the Design-Build Contract for the Police Station at St. Mary's Street Project, authorized by Ordinance No. \_\_\_\_\_, is entered into by and between the City of San Antonio ("City"), a home rule municipal corporation, and F.A. Nunnally Company ("Design-Builder"), referred to collectively herein as the "Parties".

**WHEREAS**, in May 2018, through Ordinance 2020-12-10-0889, the City and Design-Builder entered into the Design-Build Contract for the Police Station at St. Mary's Street Project in an amount not to exceed \$10,550,000.00 ("Original Agreement"); and

**WHEREAS**, the Public Works Department is projecting an estimated \$3,600,000.00 shortfall to complete the construction of the Police Station at St. Mary's Street due to escalation in the prices for construction material and labor;

**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. **Article 8.1 Contract Price.** The Contract Price set out in Article 8.1 of the Original Agreement is hereby increased by THREE MILLION FIVE HUNDRED TWENTY ONE THOUSAND TWO HUNDRED NINETY AND 00/100 DOLLARS (\$3,521,294.00) for a not-to-exceed Contract Price of FOUTREEN MILLION SEVENTY ONE THOUSAND TWO HUNDRED NINETY FOUR AND 00/100 DOLLARS (\$14,071,294.00).
2. **Article 8.1.** The second sentence of Article 8.1 is deleted in its entirety and replaced with the following:

City agrees to perform its responsibilities so as to assist Design-Builder to facilitate the completion of the Construction Work and represents to Design-Builder that there will be sufficient funds available to pay Design-Builder up to the **GMP's not to exceed amount of FOUTREEN MILLION SEVENTY ONE THOUSAND TWO HUNDRED NINETY FOUR AND 00/100 DOLLARS (\$14,071,294.00)**, as adjusted by any Change Order.



Except as amended hereby, all other provisions of the Agreement and the First Amendment are hereby retained in their entirety and remain unchanged.

**EXECUTED** and **AGREED** to as of the dates indicated below.

**City Of San Antonio**

**F.A. Nunnelly Company**

\_\_\_\_\_  
(Signature)  
Razi Hosseini  
Interim Director  
Transportation & Capital  
Improvements Department  
Date:

\_\_\_\_\_  
(Signature)  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Assistant City Attorney