

ORDINANCE 2022-06-16-0441

APPROVING AN AMENDMENT IN THE INCREASED AMOUNT NOT TO EXCEED \$6,662,053.97 TO THE \$31,700,000.00 DESIGN-BUILD CONTRACT WITH J.D. ABRAMS, L.P. FOR ADDITIONAL DESIGN AND CONSTRUCTION SERVICES FOR COMPLETION OF REGIONAL STORM WATER FLOODING IMPROVEMENTS ASSOCIATED WITH THE PRUE ROAD (BABCOCK ROAD TO LAUREATE DRIVE) PROJECT LOCATED IN COUNCIL DISTRICT 8. FUNDS ARE AVAILABLE FROM GENERAL OBLIGATION BOND FUNDS AND ARE INCLUDED IN THE FY 2022 – FY 2027 CAPITAL IMPROVEMENT PROGRAM.

* * * * *

WHEREAS, on May 6, 2017, voters approved the 2017 Bond Program, which authorized funds in the amount of \$27,600,000.00 to reconstruct and widen Prue Road from Babcock Road to Laureate Drive, including curbs, sidewalks, driveway approaches, signal modifications and drainage improvements as appropriate and within available funding; and

WHEREAS, on April 19, 2018, City Council authorized the negotiation and execution of a Design-Build Agreement in an amount not to exceed \$31,700,000.00 through Ordinance No. 2018-04-19-0284. On June 4, 2020, City Council approved Amendment No. 1 through Ordinance 2020-06-04-0361 and 2020-06-04-0362 to the Design-Build contract between the City of San Antonio and J.D. Abrams, L.P. in an amount not to exceed \$600,000.00 for joint-bid utility design and preconstruction services for the Prue Road (Babcock Road to Laureate Drive) project of which \$600,000.00 will be reimbursed by Grey Forest Utilities; and

WHEREAS, this second amendment will provide additional design and construction services for the addition of an Outfall C drainage facility as part of the overall project, including the acquisition of the required utility easements and utility relocation as part of the work related to the installation of the Outfall C drainage facility at a total additional cost of Six Million Six Hundred Sixty-Two Thousand Fifty-Three Dollars and 97/100 cents (\$6,662,053.97); and

WHEREAS, it is necessary to amend the Design-Build contract accordingly and authorize the execution of such amendment increasing the agreement with J.D. Abrams, L.P. by \$6,662,053.97 for the Prue Road Project; **NOW THEREFORE:**

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

SECTION 1. The City Manager, or his designee, is authorized to execute an amendment with J.D. Abrams, L.P. in an amount not to exceed \$6,662,053.97 for the construction of the Prue Road Project. A copy of the Amendment in substantially final form is attached as **Exhibit A**.

SECTION 2. Payment is authorized to be encumbered and made payable to J.D. Abrams, L.P, in an amount not to exceed \$6,662,053.97. Payment is in support of Orsinger LWC#35 Project using

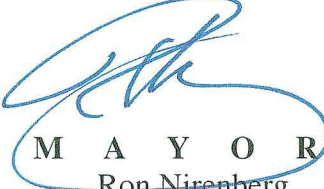
Fund 45099000 with the WBS element 23-01603-05-02-01 and GL account 5201140. Funding for this project is provided by GO Bonds and is in the FY2022-FY2027 CIP Budget.

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. 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 16th day of June, 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 A Session Meeting June 16, 2022

12.

2022-06-16-0441

Ordinance approving an amendment in the increased amount not to exceed \$6,662,053.97 to the \$31,700,000.00 design-build contract with J.D. Abrams, L.P. for additional design and construction services for completion of regional storm water flooding improvements associated with the Prue Road (Babcock Road to Laureate Drive) project located in Council District 8. Funds are available from General Obligation Bond funds and are included in the FY 2022 – FY 2027 Capital Improvement Program. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

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

Aye:	Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Courage, Perry
No:	Pelaez
Absent:	Sandoval

EXHIBIT A

**SECOND AMENDMENT
TO THE
DESIGN-BUILD CONTRACT
FOR
ARCHITECTURAL AND ENGINEERING
DESIGN AND CONSTRUCTION SERVICES
FOR
THE PRUE ROAD-BABCOCK ROAD TO LAUREATE DRIVE PROJECT
(PROJECT NUMBER: 23-1603)**

This Second Amendment to the Design-Build Contract for Architectural and Engineering Design and Construction Services for the Prue Road – Babcock Road to Laureate Drive 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 J.D. Abrams, L.P. ("Design-Builder"), acting by and through its duly authorized corporate representative, as set out below. The City and Design-Builder are referred to collectively herein as the "Parties".

WHEREAS, in April 2018, through Ordinance 2018-04-19-0284, the City and Design-Builder entered into the Design-Build Contract for the Prue Road – Babcock Road to Laureate Drive Project in an amount not to exceed \$31,700,000.00 ("Original Agreement"), which amount has been increased to \$32,300,000.00 pursuant to Amendment 1; and

WHEREAS, the Parties desire to include additional design and construction services for the addition of an Outfall C drainage facility in the amount of \$5,031,531.55 to address regional storm water flooding concerns in the vicinity and associated with the Prue Road – Babcock Road to Laureate Drive Project; and

WHEREAS, the Parties also want to include additional design and construction services for the Prue Rd. base project in the amount of \$1,630,522.42; and

WHEREAS, the cost for the aforementioned work will increase the contract capacity by \$6,662,053.97; and

WHEREAS, the Contract Price is hereby revised to a not to exceed amount of \$38,962,053.97.

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 \$6,662,053.97 for a revised not to exceed Contract Price of THIRTY-EIGHT MILLION NINE HUNDRED SIXTY-TWO THOUSAND FIFTY-THREE AND 97/100 U.S. DOLLARS (\$38,962,053.97).
2. **Exhibit H Design-Build Scope of Services and Hourly Rate with**

Schedule of Values. The scope of work attached hereto as Attachment I Additional Scope, is hereby added to and incorporated into Exhibit H Design-Build Scope of Services and Hourly Rate with Schedule of Values.

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

Signatures to follow

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

CITY OF SAN ANTONIO

J.D. ABRAMS, L.P.

(Signature)

Erik Walsh
City Manager

DocuSigned by:
Amadeo Saenz, Jr., P.E.
B1EADD2608AF483... (Signature)

Printed Name: Amadeo Saenz, Jr., P.E.
Title: VP Project Development

Approved as to Form:

Assistant City Attorney