

ORDINANCE 2022-09-15-0685

APPROVING AN AMENDMENT IN THE INCREASED AMOUNT NOT TO EXCEED \$7,713,614.71 FOR A TOTAL OF \$56,413,614.71 FOR A DESIGN BUILD CONTRACT WITH SUNDT CONSTRUCTION, INC., FOR THE ADDITIONAL DESIGN AND CONSTRUCTION SERVICES FOR THE CONVERSION OF OVERHEAD ELECTRIC UTILITIES, LOW IMPACT DEVELOPMENT, WATER SYSTEM, PEDESTRIAN AND STORM DRAIN IMPROVEMENTS RELATED TO THE LOWER SEGMENT OF THE BROADWAY STREET CORRIDOR (E. HOUSTON STREET TO E. HILDEBRAND AVENUE) PROJECT IN COUNCIL DISTRICT 1. FUNDING IS AVAILABLE IN THE FY 2022 – FY 2027 CAPITAL IMPROVEMENT PROGRAM. THIS ORDINANCE ALSO AUTHORIZES THE APPROPRIATION AND AMENDING OF THE FY 2022 – FY 2027 CAPITAL IMPROVEMENT PROGRAM WITH FUNDS IN THE AMOUNT OF \$5,461,652.35 FROM CPS ENERGY, \$649,271.53 FROM SAN ANTONIO WATER SYSTEM AND \$396,195.37 FROM SAN ANTONIO RIVER AUTHORITY TOTALING \$6,507,119.25 TO THE LOWER SEGMENT OF THE BROADWAY STREET CORRIDOR (E. HOUSTON STREET TO E. HILDEBRAND AVENUE) PROJECT.

* * * * *

WHEREAS, on May 6, 2017, San Antonio voters approved the 2017-2022 Bond Program, which included funds in the amount of \$42,000,000.00 to develop corridor improvements associated with the Broadway Corridor from Houston Street to Hildebrand Avenue/Burr Road; and

WHEREAS, on May 17, 2018, City Council approved the negotiation and execution of a Design-Build Agreement with Sundt Construction, Inc. in the amount not to exceed \$32,700,000.00 for the design and construction of the Lower Segment of the Broadway Street Corridor Project through Ordinance 2018-05-17-0347; and

WHEREAS, on October 3, 2019, City Council approved an Interlocal Agreement with the San Antonio River Authority in the amount not to exceed \$396,195.37 for the construction and design of green storm water infrastructure for the 2017 Bond Broadway Corridor Project through Ordinance 2019-10-03-0816; and

WHEREAS, on November 14, 2019, City Council approved the first amendment to the contract in the total amount of \$6,000,000.00 for the design and construction of Avenue B and N. Alamo bike lanes as part of the Lower Segment of the Broadway Street Corridor Project through Ordinance 2019-11-14-0950; and

WHEREAS, on November 14, 2019, City Council approved the Mid-Town TIRZ funds for the first amendment through Ordinance 2019-11-14-0949; and

WHEREAS, on June 11, 2020, City Council approved the second amendment to the contract in the total amount of \$10,000,000.00 for additional utility infrastructure work as part of the Lower Segment of the Broadway Street Corridor Project through Ordinance 2020-06-11-0398; and

WHEREAS, this proposed third amendment will provide for additional design and construction services for the conversion of overhead electric utilities, low impact development, pedestrian and storm drain improvements related to the Lower Segment of the Broadway Street Corridor Project from East Houston Street to IH-35; and

WHEREAS, this proposed amendment will increase the contract by \$7,713,614.71 for a revised total contract amount of \$56,413,614.71. The following table illustrates the previously authorized amendments since the execution of this agreement and the proposed amendment:

Item	Amount
Original Contract Value	\$32,700,000.00
Previous Amendments	\$16,000,000.00
Proposed Amendments	\$7,713,614.71
Revised Contract Value	\$56,413,614.71

Approval of this amendment will assist in the continuation and anticipated completion of the lower segment portion of the Broadway Corridor Project by June 2024; and

WHEREAS, it is necessary to amend the Design Build Contract accordingly and authorize the execution of such amendment increasing the agreement with Sundt Construction, Inc. by \$7,713,614.71 for the Lower Segment of the Broadway Street Corridor (E. Houston Street to E. Hildebrand Avenue) Project; **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 an amendment in an increased amount not to exceed \$7,713,614.71 payable to Sundt Construction, Inc. Of this amount, \$5,461,652.35 will be reimbursed by CPS Energy, \$649,271.53 will be reimbursed by San Antonio Water System, \$396,195.37 will be funded by San Antonio River Authority, \$841,652.93 will be funded by Tree Canopy Preservation & Mitigation Fund and \$364,842.53 will be funded by the City for additional design and construction services for the conversion of overhead electric utilities, low impact development green infrastructure features, water system, pedestrian and storm drain improvements related to the Lower Segment of the Broadway Street Corridor (E. Houston Street to E. Hildebrand Avenue) Project. A copy of the Amendment in substantially final form is attached as **Exhibit A**.

SECTION 2. The City Manager or designee, or the Director of the Public Works Department or designee, is authorized to appropriate and amend the FY 2022 – FY 2027 Capital Improvement

Program with funds in the amount of \$5,461,652.35 from CPS Energy, \$649,271.53 from San Antonio Water System and \$396,195.37 from San Antonio River Authority totaling \$6,507,119.25 to the Lower Segment of the Broadway Street Corridor (E. Houston Street to E. Hildebrand Avenue) Project.

Funding Source	Amount	Item Funded
CPS Energy	\$5,461,652.35	Underground electric conversion and associated work.
San Antonio Water System (SAWS)	\$649,271.53	Water infrastructure and associated work.
San Antonio River Authority	\$396,195.37	Low Impact Development (LID) features.
Tree Canopy Preservation & Mitigation Fund	\$841,652.93	Tree installation and associated irrigation.
City (2017 General Obligation Bond)	\$364,842.53	Pedestrian sidewalk extension and storm drain replacement.
	\$7,713,614.71	Amendment Total

SECTION 3. Funds in the amount of \$5,461,652.35 are authorized to be received from CPS Energy and shall be appropriated in Fund 45099000, WBS Element 23-01561-90-09 and GL account 4502280. This also amends the FY 2022-FY 2027 Capital Improvement Program.

SECTION 4. Funds in the amount of \$5,461,652.35 shall be appropriated in Fund 45099000, WBS Element 23-01561-05-02-07-01 and GL account 5201245.

SECTION 5. Funds in the amount of \$649,271.53 are authorized to be received from SAWS and shall be appropriated in Fund 45099000, WBS Element 23-01561-90-08 and GL account 4502280. This also amends the FY 2022-FY 2027 Capital Improvement Program.

SECTION 6. Funds in the amount of \$649,271.53 shall be appropriated in Fund 45099000, WBS Element 23-01561-05-02-04-01 and GL account 5201245.

SECTION 7. Funds in the amount of \$396,195.37 are authorized to be received from San Antonio River Authority (SARA) and shall be appropriated in Fund 45099000, WBS Element 23-01561-90-10-02 and GL account 4502280. This also amends the FY 2022-FY 2027 Capital Improvement Program.

SECTION 8. Funds in the amount of \$396,195.37 shall be appropriated in Fund 45099000, WBS Element 23-01561-05-02-12-01 and GL account 5201245.

SECTION 9. The budget in Fund 45099000, WBS Element 23-01561-05-06 and GL account 5201140 shall be decreased by \$364,842.53.

SECTION 10. The budget in Fund 45099000, WBS Element 23-01561-05-02-01-01 and GL account 5201140 shall be increased by \$364,842.53.


SECTION 11. Payment is authorized to be encumbered and made payable to Sundt Construction, Inc. in an amount not to exceed \$7,713,614.71. Payment is in support of the Lower Segment of the Broadway Street Corridor (E. Houston Street to E. Hildebrand Avenue) Project. Funding for this project is provided by GO Bonds, TIRZ funds and Tree Canopy funds and is in the FY 2022 – FY 2027 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 12. 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 13. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 15th day of September, 2022.

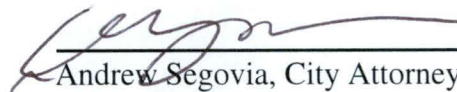


M A Y O R
Ron Nirenberg

ATTEST:


Debbie Racca-Sittre, City Clerk

APPROVED AS TO FORM:


Andrew Segovia, City Attorney



City of San Antonio

City Council Meeting September 15, 2022

15.

2022-09-15-0685

Ordinance approving an amendment in the increased amount not to exceed \$7,713,614.71 to the \$48,700,000.00 Design Build Contract with Sundt Construction, Inc., of which \$5,461,652.35 will be reimbursed by CPS Energy, \$649,271.53 will be reimbursed by San Antonio Water System, \$396,195.37 will be funded by San Antonio River Authority, \$841,652.93 will be funded by the Tree Canopy Preservation & Mitigation Fund and \$364,842.53 will be funded by the City for the additional design and construction services for the conversion of overhead electric utilities, low impact development, water system, pedestrian and storm drain improvements related to the Lower Segment of the Broadway Street Corridor (E. Houston Street to E. Hildebrand Avenue) Project, a 2017-2022 General Obligation Bond funded project located in Council District 1; and, authorizing the appropriation and amending of the FY 2022 – FY 2027 Capital Improvement Program with funds in the amount of \$5,461,652.35 from CPS Energy, \$649,271.53 from San Antonio Water System and \$396,195.37 from San Antonio River Authority totaling \$6,507,119.25 to the Lower Segment of the Broadway Street Corridor (E. Houston Street to E. Hildebrand Avenue) Project. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

TG
09/15/22
Item No. 15

EXHIBIT A

**THIRD AMENDMENT
TO
DESIGN-BUILD CONTRACT FOR
ARCHITECTURAL AND ENGINEERING
DESIGN AND CONSTRUCTION SERVICES
FOR THE
BROADWAY STREET - E. HOUSTON STREET TO IH 35 PROJECT
PROJECT NUMBER: 23-01561**

This Third Amendment to the Design-Build Contract for Architectural and Engineering Design and Construction Services for the Broadway Street - E. Houston Street to IH 35 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 Sundt Construction, Inc. ("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 May 2018, through Ordinance 2018-05-17-0347, the City and Design-Builder entered into the Design-Build Contract for the Broadway Street - E. Houston Street to IH 35 Project in an amount not to exceed \$32,700,000.00 ("Original Agreement"), which amount has been increased to \$38,700,000.00 pursuant to Amendment 1 and increased to \$48,700,000 pursuant to Amendment 2; and

WHEREAS, the Parties desire to include additional design and construction services to convert CPS overhead electric utilities to underground electric utilities and construct new underground conduit structure and manholes to accommodate the relocation of telecommunication facilities; and include additional SAWS water infrastructure; and include SARA LID construction features; and include Ave B sidewalk extensions, and include the addition of trees and irrigation; and

WHEREAS, the cost for the aforementioned work will increase the contract capacity by \$7,713,614.71; and

WHEREAS, the Contract Price is hereby revised to a not to exceed amount of \$56,413,614.71.

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 VIII.6 Contract Price.** The Contract Price set out in Article VIII.6 of the Original Agreement and executed amendments is hereby increased by SEVEN MILLION SEVEN HUNDRED THIRTEEN THOUSAND SIX HUNDRED FOURTEEN AND 71/100 DOLLARS (\$7,713,614.71) for a revised not-to-exceed Contract Price of FIFTY-SIX MILLION FOUR HUNDRED THIRTEEN THOUSAND SIX HUNDRED FOURTEEN AND 71/100 DOLLARS (\$56,413,614.71).

2. **Article VIII.8.1.** The second sentence of Article VIII.8.1 of the Original Agreement 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 FIFTY-SIX MILLION FOUR HUNDRED THIRTEEN THOUSAND SIX HUNDRED FOURTEEN AND 71/100 DOLLARS (\$56,413,614.71)**, as adjusted by any Change Order.

3. **Scope of Services.** The scope of the Original Agreement is hereby amended to include the design and construction of the following additional work:

- SARA LID construction features
- Ave B sidewalk extensions
- Addition of trees and irrigation
- CPS OH to UG Electric, including 9th St Extension
- SAWS water infrastructure
- 6th St Storm Drain Replacement

The scope of services and work is defined by CPS Energy, SAWS, and SARA and is predicated on their acceptance of Design-Builder's pricing, phasing and overall project schedule for the defined GMP scope in accordance with the current Original Agreement's terms. Should the scope of services change as currently defined in the agreed to GMP that impacts design and preconstruction efforts, scope of work, phasing and the project schedule, then the impacts of these changes will be evaluated by all parties and a revised deductive or additive scope of work and impacts to the project schedule will be negotiated.

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

Signatures to follow

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

City Of San Antonio

Sundt Construction, Inc.

DocuSigned by:

Joe Dooley

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(Signature)

(Signature)

Roderick Sanchez
Assistant City Manager
Date:

Printed Name: Joe Dooley
Title: Vice President
Date: 7/19/2022

Approved as to Form:

Assistant City Attorney