

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

ORDINANCE

APPROVING A UTILITY CONTRACT AMENDMENT IN THE INCREASED AMOUNT OF \$121,541.78 TO THE \$23,637,346.14 CONSTRUCTION CONTRACT WITH J3 COMPANY, LLC, OF WHICH \$121,541.78 WILL BE REIMBURSED BY THE PORT AUTHORITY OF SAN ANTONIO, FOR CONSTRUCTION SERVICES RELATED TO THE SANITARY SEWER SYSTEM FOR THE PORT SAN ANTONIO PROJECT, A 2017-2022 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 4 AND INCLUDED IN THE FY 2023 - FY 2028 CAPITAL IMPROVEMENT PROGRAM; AND AUTHORIZING THE ACCEPTANCE OF FUNDS IN THE AMOUNT OF \$121,541.78 FROM THE PORT AUTHORITY OF SAN ANTONIO FOR CONSTRUCTION SERVICES RELATED TO THIS AMENDMENT.

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WHEREAS, on May 6, 2017, San Antonio voters approved the City of San Antonio's 2017-2022 Bond Program, of which \$24,000,000.00 was approved for drainage improvements associated with the Port San Antonio project; and

WHEREAS, this project was a continuation of the City of San Antonio's commitment to provide an adequate storm water system to reduce on-going flooding risks within the City. The project expanded the 36th Street Phase IIIB (Billy Mitchell to General Hudnell) drainage infrastructure built as part of the 2012 General Obligation Bond; and

WHEREAS, in partnership with the City, the Port Authority of San Antonio agreed to manage and fund the design phase of the project, including the necessary environmental services and manage the preconstruction utility adjustments. In return, the City agreed to contribute \$24,000,000.00 toward the construction and provide construction management services for the Port San Antonio project and to fund the preconstruction utility adjustments. After construction is complete, the improvements will be maintained by the Port Authority of San Antonio; and

WHEREAS, as part of the Interlocal Agreement between the Port Authority and the City, the City was not required to contribute any funds in excess of the \$24,000,000.00. The Port Authority of San Antonio was responsible for all costs in excess of the City's contribution; and

WHEREAS, On January 17, 2019, City Council approved the construction contract with J3 Company LLC in the amount of \$20,763,251.51 of which \$3,275,964.00 was reimbursed by the Port Authority of San Antonio for the construction of the Port San Antonio project through

Ordinance 2019-01-17-0025. Contract amendments to modify and enhance the project have increased this contract by \$2,874,094.63. This proposed contract amendment will increase the contract capacity by \$121,541.78 to a revised contract value of \$23,758,887.92.

The following table illustrates the amendments since the execution of this agreement:

Item	Amount
Original Contract Value	\$20,763,251.51
Previous Contract Amendments	\$2,874,094.63
Proposed Contract Amendment	\$121,541.78
Revised Contract Value	\$23,758,887.92

Project construction began in February 2019 and was substantially completed in April 2022; and

WHEREAS, the proposed contract amendment will compensate the contractor for the time and work associated with the redesign of the drainage channel and the efforts expended to address the sanitary sewer system during the construction of the project; and

WHEREAS, it is necessary to amend the utility contract and authorize the execution of such amendment increasing the contract by \$121,541.78 with J3 Company, LLC for the Port San Antonio project of which \$121,541.78 will be reimbursed by the Port Authority of San Antonio for construction services related to the project's sanitary sewer system; **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 a utility contract amendment in the increased amount of \$121,541.78 and authorizes payment to J3 Company, LLC for the Port San Antonio project, a 2017 Bond funded drainage project; of which \$121,541.78 will be reimbursed by the Port Authority of San Antonio. 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 J3 Company, LLC in an amount not to exceed \$121,541.78 due to the contract increase. Payment is in support of the Port San Antonio Project, using Fund 45099000, WBS element 23-01633-5-02-03 and GL account 5201245. Funding for this project is provided by General Obligation bonds and is included in the FY 2023-FY 2028 CIP Budget. Reimbursement and appropriation of \$121,541.78 will be received from the Port Authority of San Antonio and amends the FY 2023–FY 2028 Capital Improvement Program.

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 ____ day of September, 2022.

M A Y O R

Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney