



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 15

**Agenda Date:** September 15, 2022

**In Control:** City Council A Session

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**DEPARTMENT:** Public Works Department

**DEPARTMENT HEAD:** Razi Hosseini

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

Contract Amendment: Lower Segment of Broadway Street Corridor (E. Houston Street to E. Hildebrand Avenue) (2017 Bond) Project

**SUMMARY:**

An 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.

## **BACKGROUND INFORMATION:**

### ***Project Background***

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. Due to extensive project limits and scope, the project was planned to be developed in segments and phases to include the following:

- Lower Segment: E. Houston Street to IH-35 (within City of San Antonio Right-of-Way)
- Upper Segment Phase 1: IH-35 to Mulberry Avenue (within TxDOT Right-of-Way)
- Upper Segment Phase 2: Mulberry Ave to Burr Road (within TxDOT Right-of-Way)

The Lower Segment is located from East Houston Street to IH-35, within the city-owned right-of-way, and is currently being delivered through a design-build contract with Sundt Construction, Inc. independently of the Upper Segments of Broadway from IH-35 and is not within TxDOT Right-of-Way. The improvements that will be included as part of the Lower Segment of the Broadway Corridor will consist of the reconstruction of Broadway Street from East Houston Street to IH-35 to a complete street with curbs, sidewalks, bike facilities, driveway approaches, traffic signals, utilities and drainage improvements. The project also includes landscaping, streetscaping, benches, other furniture and low-impact development green infrastructure features in partnership with the San Antonio River Authority (SARA).

### ***Previous Council Action & Amendment***

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 of which \$6,000,000.00 would be reimbursed by San Antonio Water System (SAWS) and \$2,700,000.00 reimbursed by CPS Energy for the design and construction of Lower Segment of the Broadway Street Corridor (E. Houston Street to E. Hildebrand Avenue) Project through Ordinance 2018-05-17-0347. 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 Corridor project through Ordinance 2019-11-14-0950 and simultaneously approved the associated Mid-Town TIRZ funding for this amendment through Ordinance 2019-11-14-0949. The second amendment to the contract in the total amount of \$10,000,000.00 for additional utility infrastructure work reimbursed by AT&T and CPS Energy as part of the Lower Segment of Broadway Corridor project through Ordinance 2020-06-11-0398. These previous amendments to modify and enhance the project have increased this contract by \$16,000,000.00 to a total contract amount of \$48,700,000.00. This proposed amendment will increase the contract by \$7,713,614.71 for a revised contract value of \$56,413,614.71.

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

<b>Item</b>	<b>Amount</b>
Original Contract Value	\$32,700,000.00
Previous Amendments	\$16,000,000.00
Proposed Amendments	\$7,713,614.71

Item	Amount
Revised Contract Value	\$56,413,614.71

The 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.

***Other Contributions***

On October 3, 2019, City Council approved an Interlocal Agreement with San Antonio River Authority for the implementation of green storm water infrastructure measures for select 2017 Bond Program projects through Ordinance 2019-10-03-0816. As part of this agreement, the 2017 Bond Broadway Corridor project was identified as one of the projects that SARA would provide design input and funding in the amount not to exceed \$396,195.37 for the construction and design of green storm water infrastructure. SARA’s funding will be used towards the low-impact development features being included as part of the Lower Segment of the Broadway Street Corridor Project. Additionally, as part of FY 2022 Adopted Budget, funds totaling \$965,000.00 in Tree Canopy Preservation and Mitigation Funds were allocated towards Broadway Street Corridor (East Houston Street to East Hildebrand Avenue) project. Of this amount, funds in the amount of \$841,652.93 will be used toward this change order for the Lower Segment of the Broadway Street Corridor Project for the installation of trees and irrigation as part of the City’s continuing efforts to increase tree canopy throughout the City.

**ISSUE:**

This ordinance approves an amendment in the increased amount not to exceed \$7,713,614.71 to the 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 included 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.

***Amendment***

The proposed contract amendment will compensate 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 Project from East Houston Street to IH-35. Given further evaluation of the project during the design of the next phase of the lower segment, it was identified

that improvements were needed to ensure design continuity and improvement optimization within the intersections and to mitigate potential flooding along the lower segment of Broadway Street from Houston Street to IH-35 (within the City of San Antonio right-of-way). 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.

***Other Contributions***

As part of an Interlocal Agreement with San Antonio River Authority for the implementation of green storm water infrastructure measures, 2017 Bond Broadway Corridor project was identified as one of the projects that SARA would provide design input and funding in the amount not to exceed \$396,195.37 for the construction and design of green storm water infrastructure. SARA’s funding will be used towards the low impact development features being included as part of the Lower Segment of the Broadway Street Corridor Project. Funds in the amount of \$841,652.93 from the Tree Canopy Preservation and Mitigation Fund will be used for the installation of trees and irrigation as part of the City’s continuing efforts to increase tree canopy throughout the City.

**ALTERNATIVES:**

As an alternative, City Council could choose not to approve this amendment; however, this would result in the City’s inability to complete the project, optimize improvements within the intersections and resolve flooding along the lower segment of Broadway Street from Houston Street to IH-35 (within City of San Antonio right-of-way).

**FISCAL IMPACT:**

This ordinance authorizes the execution of 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.

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.

Funding Source	Amount	Item Funded
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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	<b>Amendment Total</b>

**RECOMMENDATION:**

Staff recommends approval of this ordinance approving an amendment in the increased amount not to exceed \$7,713,614.71 to the 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 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 included 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.