PW:lj
05/11/2017
Item No. 7B

AN ORDINANCE 2017-05-11-0319

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE INTERLOCAL AGREEMENT (ILA) BETWEEN THE CITY OF SAN ANTONIO AND THE PORT AUTHORITY OF SAN ANTONIO, PROVIDING REIMBURSEMENT TO THE PORT AUTHORITY OF AN ADDITIONAL $298,900.00 FOR A TOTAL NOT TO EXCEED $1,018,900.00 FOR PROJECT-RELATED EXPENSES; REDUCING THE PORT AUTHORITY'S FUNDING RESPONSIBILITY BY $64,448.00 DUE TO INCREASED FEDERAL AND STATE PARTICIPATION THROUGH AN AMENDMENT TO THE EXISTING ADVANCED FUNDING AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) AND ESTABLISHES THE PORT AUTHORITY'S TOTAL FUNDING RESPONSIBILITY IN THE AMOUNT NOT TO EXCEED $2,322,718.00, RELATED TO THE CONSTRUCTON OF THE QUINTANA ROAD PROJECT, LOCATED IN COUNCIL DISTRICT 4.

* * * * *

WHEREAS, the Quintana Road Project is a Local Agency Managed (LAM) project funded by the Federal Highway Administration and the State of Texas' Economically Disadvantaged County Program, both administered through TxDOT, with the Project match provided by the Port Authority of San Antonio, selected for construction by the Alamo Area Metropolitan Planning Organization (MPO); and

WHEREAS, this project will rehabilitate and realign the roadway as well as provide flood control improvements from Jarmon Avenue to McKenna Avenue to facilitate truck traffic to the Port Authority of San Antonio rail yard area; and

WHEREAS, in 2014, City Council previously approved the execution of an Advanced Funding Agreement (AFA) between the City and TxDOT through Ordinance 2014-06-26-0506, which authorized acceptance of $7,155,600.00 in federal funding and payment to TxDOT of $119,429.00 for project oversight; and

WHEREAS, In 2014, upon approval of the AFA between the City and TxDOT, City Council simultaneously approved the execution of an Interlocal Agreement (ILA) between the City and the Port Authority of San Antonio under the same ordinance 2014-06-26-0506, which authorized reimbursement to the Port Authority of up to $720,000.00 and acceptance up to $2,387,166.00 from the Port Authority for the Project match portion of project related expenses; and

WHEREAS, the AFA was administratively amended in 2015, allowing the City to accept additional funding from TxDOT for projects eligible for the State of Texas' Economically Disadvantaged County Program (EDCP) which added state funding and increased the total federal and state funding to $7,787,227.00; **NOW THEREFORE,**

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

SECTION 1. The City Manager or her designee or the Director of the Transportation and Capital Improvements Department or his designee is hereby authorized to amend an Interlocal Agreement with the Port Authority of San Antonio to reimburse the Port Authority an additional amount up to $298,900.00 for a total not to exceed $1,018,900.00 for project related expenses in connection with the Quintana Road from Harmon Avenue to McKenna Avenue Project and reduces the Port Authority's funding responsibility by $64,448.00 due to increased federal and state participation, establishing Port Authority's total funding responsibility in the amount not to exceed $2,322,718.00. The Port will fund an estimated $131,100.00 of in-kind design costs directly to the Designer, bringing the Port's total project contribution to an estimated $2,453,818.00.

SECTION 2. Funds are authorized to be reduced from Port Authority San Antonio to SAP Fund 40099000, Other Capital Projects, SAP Project Definition 40-00457, Quintana Road (Harmon Ave to McKenna Ave), and the budget shall be revised by decreasing WBS element 40-00457-90-10-01, Port of San Antonio and SAP General Ledger 4502280, Contribution from other Agencies, in the amount of $64,448.00.

Payment not to exceed $298,900.00 is SAP Fund 40099000, Other Capital Projects, SAP Definition 40-00457, Quintana Road (Harmon Ave to McKenna Ave), is authorized to be encumbered with a purchase order and made payable to Port Authority San Antonio, for Texas Department of Transportation (TxDOT)- allowed Project expenses.

The budget in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 40-00457, Quintana Road (Harmon Ave to McKenna Ave), shall be revised by increasing\decreasing the SAP WBS Elements as follows:

The amount of $2,322,718.00 is deappropriated in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 40-00457, Quintana Road (Harmon Ave to McKenna Ave), and the budget shall be revised by decreasing WBS element 40-00457-90-10-01, Port of San Antonio and SAP General Ledger 4502280, Contribution from other Agencies, in the amount of $2,322,718.00.

The amount of $2,453,818.00 is appropriated in SAP Fund 2605940001, TxDOT Contributions, SAP Internal Order # 140000000185, SAP GL account 4502280 - Contribution from other Agencies. The amount of $2,453,818.00 is authorized to be transferred to SAP Fund 40099000.

The amount of $2,453,818.00 is appropriated in SAP Fund 2605940001, TxDOT Contributions, SAP Internal Order # 140000000185, SAP GL account 6102100 - Interfund Transfer Out. The amount of $2,453,818.00 is authorized to be transferred to SAP Fund 40099000.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund

Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

PASSED AND APPROVED this 11th day of May, 2017.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Andrew Segovia, City Attorney

Agenda Item:	**7B (in consent vote: 5, 6, 7A, 7B, 8A, 8B, 9, 10, 11, 12, 13, 14, 15, 16)**
Date:	05/11/2017
Time:	09:23:04 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing an amendment to the Interlocal Agreement (ILA) between the City of San Antonio and the Port Authority of San Antonio providing reimbursement to the Port Authority of an additional $298,900.00 for a total not-to-exceed $1,018,900.00 for project-related expenses; reducing the Port's funding responsibility by $64,448.00 due to increased federal and state participation through an amendment to the existing Advanced Funding Agreement between the City of San Antonio and the Texas Department of Transportation (TxDOT); and establishing the Port Authority's total funding responsibility in the amount not-to-exceed $2,322,718.00; and the Port to fund an estimated $131,100.00 of in-kind design costs directly to the Designer, bringing the Port's total project contribution to an estimated $2,453,818.00.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8	x					
Joe Krier	District 9		x				x
Michael Gallagher	District 10		x			x	

STATE OF TEXAS	}	**AMENDMENT #1**
	}	**TO THE INTERLOCAL AGREEMENT WITH**
	}	**THE PORT AUTHORITY OF SAN ANTONIO**
COUNTY OF BEXAR	}	**FOR THE QUINTANA ROAD PROJECT,**
		FROM HARMON AVE TO McKENNA AVE
		WBS 40-00457, CSJ 0915-12-520

THIS AMENDMENT #1 to the Interlocal Agreement executed by and between the City of San Antonio and Port Authority of San Antonio for the Quintana Road Project is hereby entered into by and between the City of San Antonio (hereafter referred to as "City"), a Texas municipal corporation acting through its City Manager, and Port Authority of San Antonio (hereafter referred to as "Port Authority "), a Texas defense base development authority and political subdivision of the State of Texas, established by the City of San Antonio pursuant to Chapter 379B, Subtitle A, Title 12 of the Texas Local Government Code, acting by and through its Board of Directors and duly authorized President and CEO. City and Port Authority are referred to herein individually as "a Party" and collectively as "the Parties".

WHEREAS, City's Transportation and Capital Improvements Department, formerly Capital Improvements Management Services, is designated as City's managing department for the Interlocal Agreement between City and Port Authority for the Quintana Road Project, from Harmon Avenue to McKenna Avenue (hereafter referred to as "the Project"); and

WHEREAS, City and Port Authority desire to cooperate on the construction of the Project; and

WHEREAS, the Project is an approved Port Authority project to rehabilitate and realign the roadway, intersection and provide flood control improvements; and

WHEREAS, City and the Texas Department of Transportation (hereafter referred to as "TxDOT") executed an Advanced Funding Agreement, dated July 28, 2014, authorizing the reimbursement of authorized expenses for the Project through Ordinance 2014-06-26-0506; and

WHEREAS, City and Port Authority executed an Interlocal Agreement, dated July 18, 2014, outlining the funding, environmental, design and construction responsibilities for the Project, adopted by City through Ordinance 2014-06-26-0506; and

WHEREAS, City and TxDOT executed Amendment #1, dated July 21, 2015, updating regulatory information and increased funding based on the State of Texas' Economically Disadvantaged County Program (hereafter referred to as "EDCP"); and

WHEREAS, City and TxDOT will execute Amendment #2, increasing federal funding and updating category spending; and

WHEREAS, the funds now available to reimburse Port Authority has increased by up to

$298,900.00 (up to $286,000.00 for Engineering & Environmental and up to $12,900.00 for Construction Administration by its Designer) for a total reimbursement up to $1,018,900.00, due to the State's EDCP and requires an amendment to the Interlocal Agreement.

NOW THEREFORE, the Parties severally and collectively agree and, by mutual execution hereof, are bound to the mutual obligations contained herein and to the performance and accomplishment of the tasks herein described and amend the Interlocal Agreement between City and Port Authority as follows:

ARTICLE III
FUNDING

1) Section 3.01 is deleted in its entirety and replaced with the following:

   3.01 Federal funding of a not-to-exceed amount of $7,214,400.00 has been established between City and TxDOT, including TxDOT Amendment #2, utilizing an 80% participation rate with an additional $689,548.00 in State funding, utilizing a separate 8.6% participation rate. These funds are for the Project costs which TxDOT deems allowable under the following areas: Right of Way (ROW) acquisition, building abatement, building demolition, preliminary engineering, environmental assessment, environmental mitigation (if identified during environmental assessment phase, prior to letting), construction, construction engineering/administration and material testing. Each category has an established budget by TxDOT and is represented in Attachment B-1. Funding amounts may be modified by TxDOT once letting for the Project is completed, specifically if bids are lower than the Project estimate, which will require an additional Amendment to the ILA between Port Authority and City.

2) "**Attachment B,** "referenced in Section 3.02, is deleted in its entirety and is replaced with "**Attachment B-1.**"

3) "**$2,567,166,**" referenced in in Section 3.02, is deleted in its entirety and is replaced by "**$2,453,818.**"

ARTICLE IV
OBLIGATIONS OF CITY

4) Section 4.01 k is deleted in its entirety and replaced with the following:

   k. Reimburse Port Authority for up to 88.6% of actual construction administration services, by its Design Consultant, in an amount not to exceed $132,900.00 and up to 88.6% of actual design and environmental services, by its Consultants, in an amount not to exceed $886,000.00, for a total reimbursement of up to $1,018,900.00. All reimbursements require appropriate back-up documentation

uploaded into City's PrimeLink system. Payment is contingent upon available funding within the City/TxDOT Advanced Funding Agreement for the Project and TxDOT's approval of allowable expenses.

All of the other terms and conditions of the Interlocal Agreement related to the Project entered into by the Parties shall remain in place and unaltered.

THIS AMENDMENT #1 IS EXECUTED BY THE PARTIES IN DUPLICATE ORIGINALS, each of which shall have the full force and effect of an original, on this the 20th day of June, 2017.

CITY OF SAN ANTONIO

MIKE FRISBIE, P.E.
Director/City Engineer
Transportation & Capital Improvements

PORT AUTHORITY OF SAN ANTONIO

ROLAND C. MOWER
President and CEO

APPROVED AS TO FORM:

CITY ATTORNEY

ATTACHMENT B-1

Quintana Road from Harmon Avenue to McKenna Avenue Project
WBS 40-00457, CSJ 0915-12-520
Estimate of Project Budget Breakdown – Revised 1-9-17

Item Description	Expected Overall Cost	Federal Participation	Port Participation	State Participation
Engineering/Environmental	$1,000,000.00	$800,000.00	$114,000.00	$86,000.00
ROW Purchase - COSA Est.	$1,931,088.00	$800,000.00	$1,131,088.00	$0.00
Construction/Abatement/Demolition Costs	$6,380,000.00	$5,104,000.00	$727,320.00	$548,680.00
Construction Engineering & ROW Administration - COSA Est.	$927,249.00	$510,400.00	$361,981.00	$54,868.00
Preliminary Direct State Costs	$82,500.00	$0.00	$82,500.00	$0.00
Construction Direct State Costs	$36,929.00	$0.00	$36,929.00	$0.00
Indirect Costs	$559,116.00	$0.00	$0.00	$559,116.00
TOTALS	**$10,916,882.00**	**$7,214,400.00**	**$2,453,818.00***	**$1,248,664.00**

* Although Port of San Antonio is responsible for up to $2,453,818.00 in Project expenses, $131,100 of those expenses will be directly paid to the Port Authority's own Consultants for design, environmental and construction administration services by its Consultants. The remaining $2,322,718.00 will be paid to the City of San Antonio as expenses are incurred and City invoices the Port Authority.