

PW: gg
Date
Item No. ##.

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

AN ORDINANCE

**AUTHORIZING A STAFF-REQUESTED CHANGE ORDER IN THE TOTAL
AMOUNT NOT TO EXCEED \$332,412.99 TO LIBERTY MUTUAL SURETY
FOR MEDIAN ENHANCEMENTS FOR THE HUNT LANE: INGRAM ROAD
TO POTRANCO ROAD PROJECT, AN AUTHORIZED 2007-2012 GENERAL
OBLIGATION BOND FUNDED PROJECT, LOCATED IN COUNCIL
DISTRICTS 4 & 6.**

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WHEREAS, the Hunt Lane: Ingram Road to Potranco Road Project provided for the widening and reconstruction of Hunt Lane, from Ingram Road to Potranco Road, from two lanes to four lanes with a multi-use shared use path, sidewalks, curbs, driveway approaches, and necessary drainage and traffic signal improvements, as well as, construction of a storm drain system along Hunt Lane, from Potranco Road to north of Heritage Farms Road, roadside drainage channels, improvement of the existing drainage channel and new culverts south of Sugarloaf Drive; and

WHEREAS, as part of the Project concrete and grass medians were installed as controlled access measures to mitigate large school traffic in the area; and

WHEREAS, an executed contract with Ballenger Construction for the Hunt Lane, from Ingram Road to Potranco Road Project in the amount not to exceed \$7,992,945.17 was approved by City Council through Ordinance No. 2011-01-13-0006; and

WHEREAS, the Project commenced on May 2011 and the awarded contractor defaulted on the contract in December 2012; and

WHEREAS, the Bonding Company/Surety, **Liberty Mutual Insurance Company** contracted with the completion contractor, J3 Company, LLC, and issued a notice to proceed to J3 on April 2013 for the completion of work on the Hunt Lane Project; and

WHEREAS, under the terms of the Surety Agreement, the City pays directly to the Surety, Liberty Mutual Insurance Company, and Liberty Mutual then makes payments for work performed to the completion contractor, J3 Company, LLC; and

WHEREAS, to reduce the amount of water, mowing and weed control maintenance required of vegetated medians staff is recommending a City requested change order to replace approximately 2,267 feet long (half a mile) and 4 feet wide vegetated medians with colored, stamped concrete; and

WHEREAS, this Ordinance approves a staff-requested change orders in the amount not to exceed \$ 332,412.99 to **Liberty Mutual Surety** for median Enhancements for the Hunt Lane: Ingram Road to Potranco Road Project; and

WHEREAS, previous change orders have increased this contract amount by \$ 530,064.03 to a contract amount of \$ 8,523,009.20 and this change order will increase the contract by \$332,412.99 to a total contract amount of \$ 8,885,422.19; and

WHEREAS, this is a one-time capital improvement expenditure in the amount of \$332,412.99, payable to **Liberty Mutual Insurance Company** for which funds are available from previously authorized 2007-2012 General Obligation Bonds, included in the FY 2014-2019 Capital Budget and are included in the Project's contingency fund; and

WHEREAS, approval of this ordinance will be a continuation of City Council policy to complete previously approved General Obligation Bond funded project; **NOW THEREFORE**,

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

SECTION 1. The Change Order for median Enhancements for the Hunt Lane: Ingram Road to Potranco Road Project in the amount of \$332,412.99 is hereby approved. The City Manager or her designee is hereby authorized to execute the staff-requested Change Order to the Contract with **Liberty Mutual Surety**.

SECTION 2. The following financial adjustment is hereby approved:

- a) Payment in the amount of \$332,412.99 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00018, Hunt Lane (Ingram to Potranco), is authorized to be encumbered and made payable to **Liberty Mutual Surety**, for construction services.
- b) 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 3. 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 _____ day of _____, 2014.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Robert F. Greenblum, City Attorney