

AN ORDINANCE 2014 - 04 - 17 - 0267

AUTHORIZING AN AGREEMENT WITH YANTIS COMPANY IN AN AMOUNT UP TO \$514,357.04 FOR RESOLUTION OF DELAY CLAIMS ASSOCIATED WITH THE CONSTRUCTION OF 36TH STREET (US 90 TO GROWDON), WALTERS STREET, JONES MALTSBERGER (REDLAND ROAD TO THOUSAND OAKS) AND INDIAN CREEK CHANNEL IMPROVEMENTS PROJECTS.

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WHEREAS, the City contracted with **Yantis Company** to perform construction of four 2007 - 2012 Bond Projects, which included: 36th Street (US 90 to Growdon); Walters Street (IH-35 to Fort Sam Main Gate) Project; Jones Maltsberger (Redland Road to Thousand Oaks) Project and the Indian Creek Channel Improvements Project and upon completion of the work on these Projects, there were certain claims that remained unresolved regarding monies due and owed for work performed under these contracts; and

- 36th Street (US 90 to Growdon), authorized by Ordinance 2010-01-21-0039, provided for construction that consisted of a four-lane street with a median, curbs and sidewalks, as well as drainage improvements and claim was made for material cost escalation and additional overhead costs, due to Project delays caused by utility conflicts, and additional incurred costs for paving and excavation that were outside the original Project scope,
- Walters Street (IH-35 to Fort Sam Main Gate) Project, authorized by Ordinance 2010-08-05-0656, consisted of constructing a six-lane street with a median, curbs, sidewalks, driveway approaches, bike lanes, turn lanes and drainage improvements and claim was made for City-requested changes throughout the life of the Project, totaling around \$292,000, that increased the overall contract time,
- Jones Maltsberger – Redland Road to Thousand Oaks Project, authorized by Ordinance 2010-12-16-1071, consisted of reconstructing and widening of Jones Maltsberger from Redland Road to Thousand Oaks, from two lanes to five lanes, including necessary drainage facilities and claim was made for utility conflicts that caused delays to the Project schedule,
- Indian Creek Channel Improvements Project, authorized by Ordinance 2010-03-18-0207, provided for widening the existing channel on Indian Creek, from Five Palms to Godek, tying into War Cloud and widening the drainage easement behind Kim Valley and claim was made for an off-site water main break that caused excessive water in the Project area, delaying Contractor's efforts and further, unexpected additional hauling requirements on the Project that precipitated an extension of the original contract days; and

WHEREAS, **Yantis Company** and the City have agreed to resolve those issues related to these contracts for a lump sum settlement in the amount of \$514,357.04 which will compensate the

Contractor for incurred costs beyond the original Project contract costs and covers overhead costs incurred for the extended contract days; and

WHEREAS, this Ordinance authorizes a negotiated agreement with **Yantis Company** for an amount of \$514,357.04 to settle issues associated with the construction of the 36th Street (US 90 to Growdon); Walters Street (IH-35 to Fort Sam Main Gate) Project; Jones Maltsberger (Redland Road to Thousand Oaks) Project and the Indian Creek Channel Improvements Project; and

WHEREAS, this amount represents the final amount due to **Yantis Company** for four construction contracts under the 2007 – 2012 Bond Projects; **NOW THEREFORE**,

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

SECTION 1. The City Manager or her designee is hereby authorized to execute a negotiated agreement with **Yantis Company** for an amount of \$514,357.04 to settle issues associated with the construction of the 36th Street (US 90 to Growdon); Walters Street (IH-35 to Fort Sam Main Gate) Project; Jones Maltsberger (Redland Road to Thousand Oaks) Project and the Indian Creek Channel Improvements Project.

SECTION 2. The following financial adjustments are hereby approved:

- a) Payment in the amount of \$201,794.55 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 23-00839, 36th Street - US90 to Growdon, is authorized to be encumbered with a purchase order and made payable to **Yantis Company**, for settle issues.
- b) Payment in the amount of \$86,681.00 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00057, Indian Creek Channel Improvements, is authorized to be encumbered with a purchase order and made payable to **Yantis Company**, for settle issues.
- c) Payment in the amount of \$25,000 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00042, Walters St.IH-35 N to Ft. Sam Main Gate, is authorized to be encumbered with a purchase order and made payable to **Yantis Company**, for settle issues.
- d) Payment in the amount of \$200,881.49 in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 40-00019, Jones Maltsberger (Redland to Thousand Oaks), is authorized to be encumbered with a purchase order and made payable to **Yantis Company**, for settle issues.
- e) 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 17th day of April, 2014.



M A Y O R
Julián Castro

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Robert F. Greenblum, City Attorney

Voting Results Interface

Agenda Item:	30A (in consent vote: 4, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 17A, 17B, 18, 18A, 18B, 19, 21, 23, 24, 26, 27, 28, 29, 30, 30A, 30B, 31)
Date:	04/17/2014
Time:	09:47:00 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing an agreement with Yantis Company in an amount up to \$514,357.04 for resolution of delays claims associated with the construction of 36th Street (US 90 to Growden), Walters Street, Jones Maltzberger (Redland Road to Thousand Oaks) and Indian Creek Channel Improvements Projects.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				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				