

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

AN ORDINANCE

ACCEPTING THE LOWEST RESPONSIVE BID INCLUDING ONE ADDITIVE ALTERNATE AND AWARDING A CONSTRUCTION CONTRACT TO JORDAN FOSTER CONSTRUCTION LLC IN THE AMOUNT NOT TO EXCEED \$9,591,395.69 OF WHICH \$1,645,962.50 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS AND \$442,372.00 WILL BE REIMBURSED BY CPS ENERGY, FOR THE MCCULLOUGH AVENUE AREA DRAINAGE PROJECT, A 2012-2017 BON-FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 1.

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WHEREAS, on May 19, 2011, City Council approved the reallocation of approximately \$47 million in 2007 - 2012 Bond Program savings and included in this reallocation was \$1.85 million for the McCullough Ave Area Drainage Project; and

WHEREAS, the voters approved the 2012 - 2017 Bond Program on May 12, 2012 which authorized \$12,509,000.00 for the McCullough Avenue Area Drainage Project and; and

WHEREAS, the McCullough Ave Area Drainage Project resulted from a drainage study, funded by the 2007 Bond Savings, to identify the source of the flooding on the lower level of Interstate Highway 35, and to evaluate possible solutions to alleviate storm water flooding on local City of San Antonio streets, and existing storm sewer systems, as well as, identify drainage improvements, including an underground storm sewer system and street improvements, throughout the study area; and

WHEREAS, the report includes data collection, hydrology and hydraulic analysis, development of conceptual design graphics, preliminary opinion of probable project costs and the evaluation of design alternatives; and

WHEREAS, the proposed Project consists of a study area with approximate limits of the San Antonio River to the east, Brooklyn Avenue to the west, East Park Avenue to the north and IH 35 to the south. The drainage study identified

WHEREAS, this Ordinance accepts the lowest responsive bid including one additive alternate, submitted by **Jordan Foster Construction, LLC**, in the amount not to exceed \$9,591,395.69 for the McCullough Avenue Area Drainage Project; and

WHEREAS, the McCullough Ave Area Drainage Project provides for the reconstruction of the pavement with curbs, sidewalks, driveway approaches and the underground drainage system of: Euclid Avenue from Brooklyn Avenue to Wilmington Avenue; Wilmington Avenue from Euclid Avenue to Elmira Street; Elmira Street from Wilmington Avenue to Newell Avenue; Newell Avenue from Elmira Street to Quincy Street and to outfall near the Newell Avenue Bridge to the SA River, as well as traffic signal improvements at St. Mary's Street & Elmira Street; and

WHEREAS, the additive alternate included as part of this contract will extends the improvements on Erie by approximately 182-ft; and

WHEREAS, the City will be reimbursed an amount of \$1,645,962.50 from the San Antonio Water Systems and \$442,372.00 from CPS Energy in order to complete necessary adjustments to their existing infrastructures

WHEREAS, this is a one-time capital improvement expenditure in the amount not to exceed \$9,591,395.69 for which funds are available from the 2012-2017 General Obligation Bond, and are included in the FY 2016-2021 Capital Improvements Program Budget; **NOW THEREFORE**,

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

SECTION 1. The lowest responsive bid of **Jordan Foster Construction, LLC**, in the amount not to exceed \$9,591,395.69 for the McCullough Ave Area Drainage Project is hereby accepted. All other bids will be considered rejected upon the execution of a contract by the successful bidder and the deposit of all required bonds and insurance certificates or the expiration of ninety (90) days from the effective date hereof, whichever occurs first.

SECTION 2. Funds are authorized to be received from SAWS to SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00327, McCullough Avenue Area Drainage, and the budget shall be revised by increasing WBS element 40-00327-90-08, SAWS Contribution and SAP General Ledger 4502280, Contribution from other Agencies, in the amount of \$1,645,962.50.

SECTION 3. Funds are authorized to be received from CPS Energy to SAP Fund 45099000, General Obligation Capital , SAP Project Definition 40-00327, McCullough Avenue Area Drainage, and the budget shall be revised by increasing WBS element 40-00327-90-09, CPS Contribution and SAP General Ledger 4502280, Contribution from other Agencies, in the amount of \$442,372.00.

SECTION 4. The amount of \$2,088,334.50 is appropriated in SAP Fund 45099000, General Obligation Capital, SAP Project Definition 40-00327, McCullough Avenue Area Drainage, and the budget shall be revised by increasing SAP WBS Elements as follows:

WBS NO.	WBS NAME	G/L	G/L NAME	PLAN VERSION 0 REVISION/ Appropriation
40-00327-05-02-03	Construction-SAWS Sewer	5201245	CP Othr-Constr Costs	859,439.50
40-00327-05-02-04	Construction-SAWS Water	5201245	CP Othr-Constr Costs	786,523.00
40-00327-05-02-06	Construction-CPS Gas	5201245	CP Othr-Constr Costs	442,372.00
			Totals	2,088,334.50

SECTION 5. Payment in the amount not to exceed \$9,591,395.69 in SAP Fund 45099000, General Obligation Capital, SAP Project Definition 40-00327, McCullough Avenue Area Drainage, is authorized to be encumbered and made payable **Jordan Foster Construction, LLC**, for construction services. Payments for services are contingent upon the availability of funds and the sale of future City of San Antonio, General Obligation Bonds in accordance with the adopted capital budget. 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 6. . 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 7. 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 _____, **2016.**

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney