

AN ORDINANCE **2016-12-01-0906**

APPROVING A CHANGE ORDER IN AN AMOUNT NOT TO EXCEED \$400,000.00 TO THE CONSTRUCTION CONTRACT WITH J3 COMPANY LLC FOR THE SETTLEMENT OF A DELAY CLAIM FOR THE TERMINAL AREA TAXIWAY PACKAGE 2 PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT.

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WHEREAS, in December 2014, City Council authorized a construction contract in the amount of \$15,582,841.00 with J3 Company LLC (J3) for Package 2 of the Terminal Area Taxiways Project at the San Antonio International Airport; and

WHEREAS, following the award of the construction contract for Package 2, the Aviation Department postponed the closure of Runway 12R/30L scheduled from January 2016 through March 2016 to January 2017 in order to minimize the project impact on military operations and reduce the number of runway closures associated with the various project packages, thereby impacting J3's construction schedule; and

WHEREAS, as a response to the request by J3 for additional time and compensation from the City for the delay, the City and J3 have agreed to a settlement amount of \$400,000.00 as compensation for the delay, which amount will be paid in increments beginning on January 2017; and

WHEREAS, this change order will increase the contract amount for the costs incurred by J3 as a result of the postponed closure of Runway 12R/30L; **NOW THEREFORE:**

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

SECTION 1. A change order in an amount not to exceed \$400,000.00 to the Terminal Area Taxiways Package 2 Construction Contract with J3 is hereby approved. A copy of which is set out in **Exhibit 1**.

SECTION 2. A payment in an amount not to exceed \$400,000.00 in SAP Fund 51099000, Airport Capital Projects, SAP Project Definition 33-00193, Terminal Area Taxiways, is authorized to be encumbered and made payable to J3.

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.

KRH
12/1/16
Item No. 7

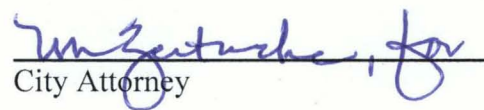
SECTION 4. This Ordinance shall be effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective on the en days after passage.

PASSED and APPROVED this 1st day of December, 2016.


M A Y O R
Ivy R. Taylor

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


City Attorney

Agenda Item:	7 (in consent vote: 5, 7, 8, 9, 11A, 11B, 13, 14, 16, 18, 19, 20, 21, 23, 24, 25)						
Date:	12/01/2016						
Time:	09:23:46 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing a change order with J3 Company LLC in the amount of \$400,000.00 for the Terminal Area Taxiway Improvements project - Package 2. [Carlos Contreras, Assistant City Manager]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				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				
Michael Gallagher	District 10		x			x	

EXHIBIT 1



**CITY OF SAN ANTONIO
AVIATION DEPARTMENT
FIELD ALTERATION/ CHANGE ORDER REQUEST**

Form PW-15-Aviation
Rev. 5/2013
(Submit 3 Originals)

Date Prepared: 10/12/2016 Field Alteration No. # 28 Project No. 33-00193
Project Name: Terminal Area Taxiway Improvements - Package 2

The revision or amendment described below is to the work originally or previously specified in the contract documents. This notification is hereby requested, including all changes in costs and time. (Describe work to be added or deleted, including SAP Material number. Attach a revised plan sheet affected or drawings.)

To provide a negotiated settlement of the contractors Claim for costs associated with the Airport's request in the delay of a portion the Base Bid work until January 3, 2017. The negotiated settlement of \$400,000.00 will be paid to the contractor as compensation for the delay of a portion of the Base Bid that is to be constructed during the scheduled closure of Runway 12R-30L from January 3, 2017 for 90 days.

As agreed in this settlement the work shall proceed as described:
Base Bid C : Shall begin on Jan 3, 2017, the date which Runway12R-30L closes for 90 days. Alternate 4 shall be performed concurrently with the Base Bid C work.
Base Bid A : This work is to be begin upon the completion of Base Bid C. This Phase may be moved forward in the schedule should time permit .
Base Bid B : Shall begin on Jan 3, 2017, the date which Runway12R-30L closes for 90 days
Base Bid D : Shall begin on approximately April 12, 2017, to coincide with the completion of Base Bid A.
The Base Bid work shall have the following durations:
Base Bid A = 38 days
Base Bid B = 109 days
Base Bid C and Alt 4 = 62 days
Base Bid D = 47 days

The anticipated completion of the original Contract work is 16 December 2016. The anticipated completion of the Base Bid work is 29 May 2017. This is an increase of 164 calendar days. Compensation shall be at a prorated amount beginning with closure of Runway 12R-30L.

J3 Company LLC (J3), for and on behalf of itself, all related companies, partnerships or joint ventures, with respect to each of them, their predecessors and successors, shall further, and does hereby, RELEASE, ACQUIT and FOREVER DISCHARGE the City of San Antonio, its Council members, officers, directors, assigns, representatives, agents, or employees, of and from any and all claims, damages, demands, liability, lawsuits, actions or causes of action, costs, losses, expenses, compensation and/or obligations, whether known or unknown, at law or in equity, which J3 has or may have against the City arising from or related in any way whatsoever to the Airport's request in the delay of a portion of the Base Bid work until January 3, 2017 (Delay). It is the express intent of J3 that this Agreement operate as a bar to any subsequent proceedings with respect to any claims, causes of action or lawsuits arising from or related to the Delay.

Justification for Proposed Alteration (Describe in detail why this work is to be added or deleted. Use attachments if necessary.):

The Runway 12R-30L closure for the construction of the Base Bid C portion (Within the Runway12R-30L Safety Area) of this project is delayed so as to occur during the same closure of the Package 4 construction. The contractor was notified on November 11, 2015 they must delay the work associated with the Runway 12R-30L closure. In accordance with General Conditions Section 4.3 CLAIMS AND DISPUTES, J3 submitted correspondence dated 5/20/2016 and amended on 5/26/2016 in accordance with General Conditions Section 4.3.5 CLAIMS FOR ADDITIONAL COSTS in the amount of \$987,901.12. In Accordance with General Conditions Section 4.4, the claim was evaluated by the design consultant and negotiated with the contractor resulting in a final recommendation from the Design Consultant on 6/1/2016. The negotiations with the contractor and the San Antonio Airport agreed to an amount of \$400,000.00.

Field Alteration will result in change to Contract Days as:
(To be negotiated by the Contractor and the City)

<input checked="" type="checkbox"/> Increase	<input type="checkbox"/> Decrease	\$	<u>400,000.00</u>
<input checked="" type="checkbox"/> Increase	<input type="checkbox"/> Decrease		
<input type="checkbox"/> Working Days	<input checked="" type="checkbox"/> Calendar Days	# Days	<u>164</u>

REQUESTED BY: Hugh R. Jones Jr. J3 Company LLC Date <u>10/13/16</u>	RECOMMENDED BY: Mita Nohby, Project Manager Kimley-Horn and Associates, Inc. Date <u>10/11/2016</u>
AVIATION DEPARTMENT APPROVALS	
RECOMMENDED BY: Susan St Cyr, P.E., Special Projects Manager Date <u>13 Oct 16</u>	RECOMMENDED BY: Dennis Fiemeyer, Construction & Development Interim Manager Date <u>10/13/2016</u>
RECOMMENDED FOR APPROVAL BY: Loyce D. Clark, Chief Asset and Planning Officer Date <u>10/13/16</u>	APPROVED BY: Noel T. Jones, Aviation Director Date
 Henrietta Brown Chief Aviation Administration Officer Date <u>10/13/16</u>	

This Field Alteration Amount: \$ 400,000.00
Total Original Contract: \$ 15,582,841.00

Approved Contingency	WBS Element: <u>33-00193-05-02</u>	Summary	
BASE BID Approved Contingency Amount: \$	<u>1,081,009.00</u>	\$	<u>1,081,009.00</u>
Previous Field Alterations using CONTINGENCY: \$	<u>-259,004.52</u>	\$	<u>-259,004.52</u>
This Field Alteration: \$	<u>400,000.00</u>	\$	<u>400,000.00</u>
Field Alterations to date using Contingency: \$	<u>140,995.48</u>	\$	<u>140,995.48</u>
Balance: \$	<u>940,013.52</u>	\$	<u>940,013.52</u>

Field Alterations to date using Contingency: \$ 328,713.87
REVISED CONTRACT VALUE: \$ 15,911,554.87

Percent of Original Contract: 2.11%
(Contract Value will only change if "Contingency" is utilized. Revised Contract Value can not exceed 25% of Original Contract.)

Vendor #: 1038714 Original Ordinance #: 2014-2-13-0086 This FA Ordinance #: NA
Purchase Requisition: _____ Contract #: 4600013724 Purchase Order #: 4500387256

NOTE: This form is a local government record and shall be retained in accordance with the provisions of the Local Government Code, Section 201.