

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

ORDINANCE

**AWARDING A CONSTRUCTION CONTRACT, INCLUDING AN
ADDITIVE ALTERNATE, TO TEXAS STERLING CONSTRUCTION CO.
FOR PHASE 1 OF THE S. FOSTER ROAD PROJECT IN AN AMOUNT
NOT TO EXCEED \$4,367,118.02, OF WHICH \$385,261.00 WILL BE
REIMBURSED BY SAN ANTONIO WATER SYSTEM (SAWS) AND
\$125,559.15 WILL BE REIMBURSED BY CPS ENERGY FOR
NECESSARY ADJUSTMENTS TO EXISTING INFRASTRUCTURE.**

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WHEREAS, H-E-B is commencing a substantial hub expansion at the southwest corner of East Houston Street and South Foster Road in Council District 2 to build the largest single-build warehouse in its supply-chain division; and

WHEREAS, Foster Road, adjacent to this H-E-B distribution center, is undersized for the increased activity anticipated as a result of the expansion and improvements to Foster Road are needed to address the substantial development in the area as part of the Master Thoroughfare Plan; and

WHEREAS, in June 2018, City Council approved a Funding Agreement between the City and H-E-B in an amount not to exceed \$800,000.00 pursuant to which H-E-B will manage and fund the design phase of Phase 1 of the S. Foster Road (Rigsby to 4,000' N) Project, including the necessary environmental services and preconstruction utility adjustments, and the City will manage and fund the construction phases of the Project; and

WHEREAS, September 13, 2018, City Council approved the City of San Antonio's 2019 Fiscal Year Budget, of which \$4,300,000.00 was approved for roadway and drainage improvements associated with Phase 1 of the S. Foster Road Project; and

WHEREAS, the City advertised for construction bids for Phase 1 of the S. Foster Road Project and opened bids on April 23, 2019, and three bidders responded; and

WHEREAS, this Ordinance accepts the lowest responsive bid submitted by Texas Sterling Construction Co. in an amount not to exceed \$4,367,118.02; **NOW THEREFORE:**

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

SECTION 1. The lowest responsive bid by Texas Sterling Construction Co., in an amount not to exceed \$4,367,118.02 for Phase 1 of the S. Foster Road (Rigsby to 4,000' N) Project, is

hereby accepted. All other bids will be considered rejected upon execution of a contract by the successful bidder and the deposit of all required bonds and insurance certificates.

SECTION 2. Funds are authorized to be **received from SAWS** to SAP Fund 40099000, Other Capital Projects, SAP Project Definition 23-3749, S. Foster Rd (Rigsby to 4000' N.), and the budget shall be revised by **increasing** WBS element 23-3749-90-08, SAWS Contribution and SAP General Ledger 4502280, Contribution from other Agencies, in the amount of \$385,261.00.

SECTION 3. Funds are authorized to be **received from CPS Energy** to SAP Fund 40099000, Other Capital Projects, SAP Project Definition 23-3749, S. Foster Rd (Rigsby to 4000' N.), and the budget shall be revised by **increasing** WBS element 23-3749-90-09, CPS Contribution and SAP General Ledger 4502280, Contribution from other Agencies, in the amount of \$125,559.15.

SECTION 4. The amount of \$510,820.15 **appropriated** in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 23-3749, S. Foster Rd (Rigsby to 4000' N.), 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
23-03749-05-02-04	Construction-SAWS Water	5201245	CP Othr-Constr Costs	385,261.00
23-03749-05-02-06	Construction-CPS Gas	5201245	CP Othr-Constr Costs	125,559.15
			Totals	510,820.15

SECTION 5. A Payment in an amount not to exceed \$4,367,118.02 in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 23-3749, S. Foster Rd (Rigsby to 4000' N.), is authorized to be encumber made payable to Texas Sterling Construction Co., for the construction services.

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 the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED and APPROVED this _____ day of _____, 2019.

KRH

Item No.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney

DRAFT