

ORDINANCE 2019-08-15-0635

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE PORT AUTHORITY OF SAN ANTONIO INCREASING THE CONTRACT AMOUNT BY \$2,129,661.83 FOR ACCEPTANCE OF ADDITIONAL FUNDS FROM THE PORT AUTHORITY FOR CONSTRUCTION RELATED EXPENSES FOR THE QUINTANA ROAD PROJECT.

* * * * *

WHEREAS, the Quintana Road Project will rehabilitate and realign the roadway and provide flood control improvements from Harmon Avenue to McKenna Avenue; and

WHEREAS, in June 2014 the City and the Port Authority of San Antonio entered into an Interlocal Agreement for City to manage the project, payment by City to the Port Authority for preliminary engineering costs and design, which costs are reimbursable to the City by the Texas Department of Transportation (TxDOT), and payment from the Port Authority to City for all project costs not reimbursed by TxDOT; and

WHEREAS, City simultaneously entered into an Advanced Funding Agreement with TxDOT whereby the preliminary engineering, structure abatement and demolition, right-of-way, administration and construction costs qualify for federal cost sharing and the City is reimbursed up to the federally approved limit for those costs; and

WHEREAS, based on the high bid prices received for construction of Quintana Road, additional funds are needed to ensure construction of this project is fully funded and this amendment authorizes the City to accept funds in the additional amount of \$2,129,661.83 from the Port Authority of San Antonio for the construction; and

WHEREAS, it is necessary to amend the Interlocal Agreement accordingly and authorize the execution of such amendment increasing the agreement by \$2,129,661.83 for the Quintana Road Project; **NOW THEREFORE**,

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

SECTION 1. The City Manager, or designee, is authorized to execute an amendment with the Port Authority of San Antonio the amount not to exceed \$2,129,661.83 for the acceptance of funds from Port Authority to the City San Antonio for its share of construction-related expenses for the Quintana Road Project. A copy of the amendment in substantially final form is attached as **Exhibit I**.


SECTION 2. The amount of \$2,129,661.83 is appropriated in Fund 40099000, Project 40-00457, per the table below:

WBS	GL	Amount
40-00457-90-10-01	4502280	\$2,129,661.83
40-00457-01-01-01	5402030	\$14,759.99
40-00457-01-02-01	5402050	\$8,832.49
40-00457-03-01-01	5402030	-\$43,913.54
40-00457-03-01-01	5402050	-\$30,574.01
40-00457-03-14-01	5209010	-\$731,088.00
40-00457-04-01-01	5402030	-\$11,972.05
40-00457-04-01-01	5402050	-\$8,868.34
40-00457-05-01-01	5402030	\$31,556.55
40-00457-05-01-01	5402050	\$18,159.05
40-00457-05-02-01	5201245	\$2,896,461.21
40-00457-05-05-01	5201040	-\$13,891.50

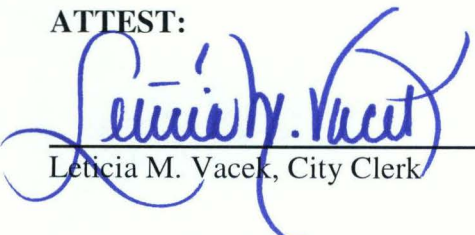
SECTION 3. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 4. 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 15th day of August, 2019.



M A Y O R
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

Agenda Item:	13A (in consent vote: 13A, 13B, 13C)						
Date:	08/15/2019						
Time:	12:00:00 AM						
Vote Type:	Motion to Approve						
Description:	Ordinance amending an Interlocal Agreement with the Port Authority of San Antonio in the increased amount not to exceed \$2,129,661.83 for the acceptance of funds from Port Authority for its share of construction-related expenses the Quintana Road (Harmon Avenue to McKenna Avenue) project.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				
Jada Andrews-Sullivan	District 2		x				x
Rebecca Viagran	District 3		x				
Dr. Adriana Rocha Garcia	District 4		x				
Shirley Gonzales	District 5		x			x	
Melissa Cabello Havrda	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

Exhibit I

STATE OF TEXAS	}	AMENDMENT #2
	}	TO THE INTERLOCAL AGREEMENT WITH
	}	THE PORT AUTHORITY OF SAN ANTONIO
COUNTY OF BEXAR	}	FOR THE QUINTANA ROAD PROJECT,
		FROM HARMON AVE TO McKENNA AVE
		WBS 40-00457, CSJ 0915-12-520

THIS AMENDMENT #2 to the Interlocal Agreement executed by and between the City of San Antonio and Port Authority of San Antonio for the Quintana Road Project is hereby entered into by and between the City of San Antonio (hereafter referred to as "City"), a Texas municipal corporation acting through its City Manager, and Port Authority of San Antonio (hereafter referred to as "Port Authority "), a Texas defense base development authority and political subdivision of the State of Texas, established by the City of San Antonio pursuant to Chapter 379B, Subtitle A, Title 12 of the Texas Local Government Code, acting by and through its Board of Directors and duly authorized President and CEO. City and Port Authority are referred to herein individually as "a Party" and collectively as "the Parties".

WHEREAS, City's Transportation and Capital Improvements Department, formerly Capital Improvements Management Services, is designated as City's managing department for the Interlocal Agreement between City and Port Authority for the Quintana Road Project, from Harmon Avenue to McKenna Avenue (hereafter referred to as "the Project"); and

WHEREAS, City and Port Authority desire to cooperate on the construction of the Project; and

WHEREAS, the Project is an approved Port Authority project to rehabilitate and realign the roadway, intersection and provide flood control improvements; and

WHEREAS, City and the Texas Department of Transportation (hereafter referred to as "TxDOT") executed an Advanced Funding Agreement, dated July 28, 2014, authorizing the reimbursement of authorized expenses for the Project through Ordinance 2014-06-26-0506; and

WHEREAS, City and Port Authority executed an Interlocal Agreement, dated July 18, 2014, outlining the funding, environmental, design and construction responsibilities for the Project, adopted by City through Ordinance 2014-06-26-0506; and

WHEREAS, City and TxDOT executed AFA Amendment #1, dated July 21, 2015, updating regulatory information and increased funding based on the State of Texas' Economically Disadvantaged County Program (hereafter referred to as "EDCP"); and

WHEREAS, City and Port Authority executed ILA Amendment #1, dated June 20, 2017, increasing the available Port Authority reimbursement up to a maximum of \$1,018,900.00 due to State EDCP (Economically Disadvantaged County Program) funding; and,

WHEREAS, City and TxDOT executed AFA Amendment #2, dated August 9, 2017, increasing federal funding and updating category spending; and

WHEREAS, construction bids have been reviewed and Alternative #2 selected, creating a total Construction budget of \$8,813,524.83, which includes 10% for Change Orders and whereas, federal funding has adjusted based on pre-construction expenses, the ILA funding shall be adjusted to reflect Port participation up to \$4,583,479.83, of which \$4,452,379.83 shall be paid to the City of San Antonio as expenses are incurred and City invoices the Port Authority.

NOW THEREFORE, the Parties severally and collectively agree and, by mutual execution hereof, are bound to the mutual obligations contained herein and to the performance and accomplishment of the tasks herein described and amend the Interlocal Agreement between City and Port Authority as follows:

ARTICLE III **FUNDING**

1) Section 3.01 is deleted in its entirety and replaced with the following:

3.01 Federal funding of a not-to-exceed amount of \$7,152,299.86 has been established between City and TxDOT, including TxDOT Amendment #2, through Federal Project Authorization and Agreements (FPAA), utilizing an 80% participation rate with an additional \$682,872.24 in State funding for direct construction costs, utilizing a separate 8.6% participation rate. These funds are for the Project costs which TxDOT deems allowable under the following areas: Right of Way (ROW) acquisition, building abatement, building demolition, preliminary engineering, environmental assessment, environmental mitigation (if identified during environmental assessment phase, prior to letting), construction, construction engineering/administration and material testing. Each category has an established budget by TxDOT and is represented in Attachment B-1. Funding amounts were modified by TxDOT after letting of the Project. Funding amounts are subject to reimbursements of actual, approved expenses under federal and state direction.

2) "**Attachment B,**" referenced in Section 3.02, is deleted in its entirety and is replaced with "**Attachment B-1.**"

3) "**\$2,453,818,**" referenced in in Section 3.02, is deleted in its entirety and is replaced by "**\$4,583,479.83.**"


All of the other terms and conditions of the Interlocal Agreement related to the Project entered into by the Parties shall remain in place and unaltered.

THIS AMENDMENT #2 IS EXECUTED BY THE PARTIES IN DUPLICATE ORIGINALS, each of which shall have the full force and effect of an original, on this the _____ day of _____, 2019.

CITY OF SAN ANTONIO

PORT AUTHORITY OF SAN ANTONIO

RAZI HOSSEINI, P.E.
Interim Director/City Engineer
Transportation & Capital Improvements



JIM PERSCHBACH
President and CEO

APPROVED AS TO FORM:

CITY ATTORNEY

ATTACHMENT B-1

Quintana Road from Harmon Avenue to McKenna Avenue Project

WBS 40-00457, CSJ 0915-12-520

Estimate of Project Budget Breakdown – Revised 7-17-19

Item Description	Expected Overall Cost	Federal Participation	Port Participation	State Participation
Engineering/Environmental	\$1,000,000.00	\$800,000.00	\$114,000.00 <small>(Port pays directly to its Consultant)</small>	\$86,000.00
ROW Purchase - COSA Est.	\$1,200,000.00	\$800,000.00	\$400,000.00	\$0.00
Construction/Abatement/Demolition Costs	\$8,813,524.83	\$4,685,818.18	\$3,623,981.19	\$503,725.45
CAP Admin Expenses Prior to Construction up to 5/31/19	\$504,098.10	\$397,899.86	\$63,424.00	\$42,774.24
Cons. Administration – Designer Only	\$150,000.00	\$120,000.00	\$17,100.00 <small>(Port pays directly to its Consultant)</small>	\$12,900.00
Construction Engineering : Material Testing & City Construction CAP Admin (COSA estimate for 18 months)	\$631,600.00	\$348,581.82	\$245,545.64	\$37,472.55
Preliminary Direct State Costs (TxDOT direct oversight costs during Design, paid by Port to City and City to TxDOT)	\$82,500.00	\$0.00	\$82,500.00	\$0.00
Construction Direct State Costs (TxDOT direct oversight costs during Construction, paid by Port to City and City to TxDOT)	\$36,929.00	\$0.00	\$36,929.00	\$0.00
Indirect Costs (funding stays within TxDOT)	\$559,116.00	\$0.00	\$0.00	\$559,116.00
TOTALS	\$12,977,767.93	\$7,152,299.86	\$4,583,479.83*	\$1,241,988.24

* Although Port of San Antonio is responsible for up to \$4,583,479.83 in Project expenses, \$131,100 of those expenses will be directly paid to the Port Authority's own Consultants for design, environmental and construction administration services by its Consultants. The remaining \$4,452,379.83 will be paid to the City of San Antonio as expenses are incurred and City invoices the Port Authority.