

**FIRST AMENDMENT
TO
DESIGN-BUILD CONTRACT
ARCHITECTURAL AND ENGINEERING
DESIGN AND CONSTRUCTION SERVICES
FOR THE
BROADWAY STREET - E. HOUSTON STREET TO IH 35 PROJECT
PROJECT NUMBER: 23-01561**

This first amendment to the Design-Build Contract for the Broadway Street - E. Houston Street to IH 35 Project, authorized by Ordinance No. 2018-05-17-0347, is entered into by and between the City of San Antonio ("City"), a home rule municipal corporation, and Sundt Construction, Inc. ("Design-Builder"), referred to collectively herein as the "Parties".

WHEREAS, in May 2018, through Ordinance 2018-05-17-0347, the City and Design-Builder entered into the Design-Build Contract for the Broadway Street - E. Houston Street to IH 35 Project in an amount not to exceed \$32,700,000.00 ("Original Agreement"); and

WHEREAS, the Parties desire to include the design and construction of Avenue B and North Alamo bike lanes into the Broadway Lower Segment and increase the contract capacity by \$6,000,000.00;

NOW THEREFORE, in consideration of the terms, covenants, agreements and demises herein contained each to the other given, the sufficiency and receipt of which are hereby acknowledged, the Original Agreement is amended as follows:

1. **Article VIII.6 Contract Price.** The Contract Price set out in Article VIII.6 of the Original Agreement is hereby increased by SIX MILLION AND 00/100 DOLLARS (\$6,000,000.00) for a not-to-exceed Contract Price of THIRTY-EIGHT MILLION SEVEN HUNDRED THOUSAND AND 00/100 DOLLARS (\$38,700,000.00).
2. **Article VIII.8.1.** The second sentence of Article VIII.8.1 is deleted in its entirety and replaced with the following:

City agrees to perform its responsibilities so as to assist Design-Builder to facilitate the completion of the Construction Work and represents to Design-Builder that there will be sufficient funds available to pay Design-Builder up to the **GMP's not to exceed amount of THIRTY-EIGHT MILLION SEVEN HUNDRED THOUSAND AND 00/100 Dollars (\$38,700,000.00)**, as adjusted by any Change Order.

3. **Scope of Services.** The scope of the Original Agreement is hereby amended to include the design and construction of the following for Avenue B, McCullough, and N Alamo from IH-35 to Houston Street :

- Protected bike lanes
- Landscaping and tree planting
- Conversion of Ave B to one-way southbound
- Intersection bulb outs and new pedestrian ramps
- Mill and overlay of the pavement
- New pavement markings

Except as amended hereby, all other provisions of the Agreement and the First Amendment are hereby retained in their entirety and remain unchanged.

EXECUTED and **AGREED** to as of the dates indicated below.

City Of San Antonio

Sundt Construction, Inc.

(Signature)
Razi Hosseini
Interim Director
Transportation & Capital
Improvements Department
Date:

(Signature)
Printed Name: _____
Title: _____
Date: _____

Approved as to Form:

Assistant City Attorney