

ORDINANCE **2019-11-14-0950**

AUTHORIZING THE EXECUTION OF AN AMENDMENT IN THE AMOUNT UP TO \$6,000,000.00 TO THE 2017 BOND BROADWAY CORRIDOR LOWER SEGMENT DESIGN-BUILD CONTRACT WITH SUNDT CONSTRUCTION, INC. FOR THE DESIGN AND CONSTRUCTION OF AVENUE B AND N. ALAMO BIKE LANES AS PART OF THE BROADWAY LOWER SEGMENT PROJECT.

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WHEREAS, a current 2017 Bond project, Broadway Lower Segment, is adjacent to the Avenue B and N. Alamo Bike Lane project. The Broadway Lower Segment project is a design-build project currently at 40% design. City staff recommends inclusion of the Avenue B and N. Alamo Bike Lane Project into the Broadway Lower Segment design-build contract in order to facilitate coordination of the designs, provide for complementary construction phasing and seamless integration of features where the projects cross along McCullough Avenue, and leverage economy of scale by delivering the smaller Avenue B and N. Alamo Bike Project with the larger Broadway Lower Segment Project; and

WHEREAS, a previously executed contract with Sundt Construction, Inc. for the Broadway Corridor Lower Segment 2017 Bond Project in the amount of \$32,700,000.00 was approved by City Council on May 17, 2018 through Ordinance 2018-05-17-0347; and

WHEREAS, the \$6,000,000.00 contract amendment increases the capacity of Sundt Construction's contract with the City of San Antonio (**Exhibit A**); and

WHEREAS, upon approval of the contract amendment, City staff will negotiate and execute subsequent work packages for design, pre-construction services, and construction of the Avenue B and N. Alamo Bike Lane Project within the contract capacity; **NOW THEREFORE:**

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

SECTION 1. The City Manager or designee is hereby authorizes the execution of an amendment in the amount up to \$6,000,000.00 to the 2017 Bond Broadway Corridor Lower Segment design-build contract with Sundt Construction, Inc. for the design and construction of Avenue B and N. Alamo bike lanes as part of the Broadway Lower Segment project.

SECTION 2. This is a one-time capital improvement expenditure in the amount up to \$6,000,000.00 authorized payable to Sundt Construction, Inc.

SECTION 3. The amount of \$6,000,000.00 is appropriated in Fund 45099000, Project 23-01561, per the table below:

23-01561-90-14-01	6101100	\$6,000,000.00
23-01561-05-02-08-01	5201245	\$6,000,000.00

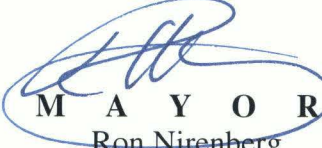
SECTION 4. Payment is authorized to be encumbered and made payable to Sundt Construction, Inc. in an amount not to exceed \$6,000,000.00. Payment is in support of the TIRZ - Avenue B Bike Lane Project, using Fund 45099000, WBS element 23-01561-05-02-08-01 with GL 5201245. Funding is provided by Tax Increment Reinvestment Zone (TIRZ) Midtown #31 Fund through a reimbursement process.

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

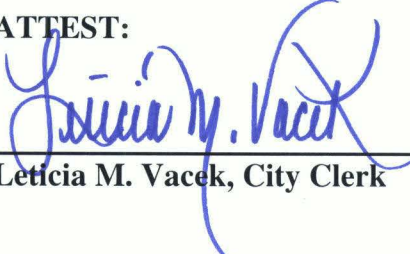
SECTION 5. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Fund Numbers, Project 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 6. 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 14th day of November, 2019.



M A Y O R
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

Agenda Item:	4B (in consent vote: 4A, 4B)						
Date:	11/14/2019						
Time:	12:12:15 PM						
Vote Type:	Motion to Approve						
Description:	Ordinance approving an amendment in the amount up to \$6,000,000.00 to the 2017 Bond Broadway Corridor Lower Segment design build contract with Sundt Construction, Inc. for the design and construction of Avenue B and N. Alamo bike lanes as part of the Broadway Lower Segment project, which will be reimbursed from the Midtown Tax Increment Reinvestment Zone (TIRZ) #31.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x			x	
Jada Andrews-Sullivan	District 2		x				
Rebecca Viagran	District 3		x				x
Adriana Rocha Garcia	District 4		x				
Shirley Gonzales	District 5		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				

DBS
11/14/19
Item No. 4B

EXHIBIT A

**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