

AN ORDINANCE 2013-03-21-0178

ACCEPTING OF THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT, INCLUDING ONE ADDITIVE ALTERNATE, IN THE AMOUNT OF \$37,352,903.74 TO CAPITAL EXCAVATION COMPANY; OF THIS TOTAL CONTRACT AMOUNT, FUNDS IN AN AMOUNT NOT-TO-EXCEED \$25,180,680.86 WILL BE FUNDED BY THE CITY, FUNDS IN AN AMOUNT NOT-TO-EXCEED \$1,173,974.15 WILL BE REIMBURSED BY CPS ENERGY, FUNDS IN AN AMOUNT NOT-TO-EXCEED \$10,283,833.90 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS, FUNDS IN AN AMOUNT NOT-TO-EXCEED \$639,434.83 WILL BE REIMBURSED BY AT&T AND FUNDS IN AN AMOUNT NOT-TO-EXCEED \$74,980.00 WILL BE REIMBURSED BY TIME WARNER FOR JOINT-BID UTILITY WORK; AMENDING THE FY 2013 – 2018 CAPITAL IMPROVEMENT PROGRAM BUDGET WITH THE REALLOCATION OF \$9,000,000.00 IN 2007 BOND SAVING FUNDS; AND, APPROVING A CITY REQUESTED CHANGE ORDER IN THE DECREASED AMOUNT OF \$1,054,320.51 TO THE \$37,352,903.74 CONSTRUCTION CONTRACT WITH CAPITAL EXCAVATION COMPANY FOR THE REALIGNMENT OF MARKET STREET, AND APPROPRIATING FUNDS.

\* \* \* \* \*

**WHEREAS**, the Market Street Realignment Project originated in association with the Convention Center Expansion, HemisFair Park Area Master Plan and was included in the 2012 Bond; and

**WHEREAS**, this Project includes the realignment of Market Street to run parallel with Commerce Street and east of the proposed Convention Center expansion; and

**WHEREAS**, the additive alternate included as part of this contract provides for the diversion of traffic; and

**WHEREAS**, this Ordinance accepts the lowest responsive bid submitted by **Capital Excavation Company** in the amount not to exceed \$37,352,903.74; and

**WHEREAS**, of the total contract amount, the City will be reimbursed \$1,173,974.15 by City Public Services (CPS Energy); \$10,283,833.90 will be reimbursed by San Antonio Water System; \$639,434.83 will be reimbursed by AT&T and \$74,980.00 will be reimbursed by Time Warner for joint-bid utility work; and

**WHEREAS**, this Ordinance also amends the FY 2013 – 2018 Capital Improvement Program Budget with the reallocation of \$9,000,000.00 in 2007 Bond Savings funds; and

**WHEREAS**, this Ordinance also approves a change order in the decreased amount of

\$1,054,320.51 that is associated with items related to the roadway, landscaping, aesthetics, and prep right-of-way are being value engineered through this deductive change order; and

**WHEREAS**, approval of this Ordinance will be a continuation of City Council policy to complete approved 2012 General Obligation Bond funded projects; **NOW THEREFORE**,

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

**SECTION 1.** The lowest responsive bid of **Capital Excavation Company** in the amount not to exceed \$37,352,903.74 for the Market Street Realignment Project is hereby accepted. All other bids will be considered rejected upon the execution of a contract by the successful bidder and the deposit of all required bonds and insurance certificates or the expiration of ninety (90) days from the effective date hereof, whichever occurs first.

**SECTION 2.** A construction contract is hereby awarded to **Capital Excavation Company**.

**SECTION 3.** The following financial adjustments are hereby approved:

- a) The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00013, Downtown Transportation Infrastructure, shall be revised by decreasing the SAP WBS Elements as follows:

WBS NO.	WBS NAME	G/L	G/L NAME	PLAN VERSION 0 REVISION/ Appropriation
40-00013-05-02-01-01	Illuminated Street Marker Ph I	5201140	Construction Cost	-\$105,267.78
40-00013-05-02-01-04	Commerce/Market Ped Signal	5201140	Construction Cost	-\$161,038.74
40-00013-05-02-01-05	TSSM CBD Supplement	5201140	Construction Cost	-\$125,832.00
40-00013-05-02-01-08	Main/Dwyer Conversion	5201140	Construction Cost	-\$122,112.13
40-00013-05-02-01-11	Santa Rosa/Durango Construction	5201140	Construction Cost	-\$785,749.35
			<b>TOTALS</b>	<b>-\$1,300,000.00</b>

- b) The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00013, Downtown Transportation Infrastructure, shall be revised by decreasing SAP WBS element 40-00013-90-03 entitled Transfer from GO-00301-01-01-12-01, SAP GL account 6101100, by the amount of \$1,300,00.00.
- c) The amount of \$1,300,00.00 is reverted in SAP Fund 45906001, 2010 General Obligation Streets, SAP WBS GO-00301-01-01-12-01, SAP GL account 6102100 – Interfund Transfer out entitled Transfer to 40-00013-90-03. The amount of \$1,300,00.00 is authorized to be transferred from SAP Fund 45099000.
- d) The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00263, Hemisfair Complete Street: Alamo & C. Chavez, shall be revised by decreasing SAP WBS Element 40-0263-05-02-01-01 entitled Construction City, SAP GL account 5201140, by the amount of \$7,700,000.00.

- e) The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 00263, Hemisfair Complete Street: Alamo & C. Chavez, shall be revised by decreasing SAP WBS element 40-00263-90-03 entitled Transfer from GO-00401-01-01-62-01, SAP GL account 6101100, by the amount of \$2,747,431.92.
- f) The amount of \$2,747,431.92 is reverted in SAP Fund 45907001, 2007 General Obligation -Sold 2012-Street, SAP WBS GO-00401-01-01-62-01, SAP GL account 6102100 – Interfund Transfer out entitled Transfer to 40-00263-90-03. The amount of \$2,747,431.92 is authorized to be transferred from SAP Fund 45099000.
- g) The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 00263, Hemisfair Complete Street: Alamo & C. Chavez, shall be revised by decreasing SAP WBS element 40-00263-90-05 entitled Transfer from GO-00402-01-01-34-01, SAP GL account 6101100, by the amount of \$4,952,568.08.
- h) The amount of \$4,952,568.08 is reverted in SAP Fund 45907002, 2007 General Obligation Bond Sold 2012 - Drainage, SAP WBS GO-00402-01-01-34-01, SAP GL account 6102100 – Interfund Transfer out entitled Transfer to 40-00263-90-05. The amount of \$4,952,568.08 is authorized to be transferred from SAP Fund 45099000.
- i) The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00421, Hemisfair Area Street Redevelopment, shall be revised by decreasing SAP WBS Element 40-0421-05-02-01 entitled City Funds, SAP GL account 5201140, by the amount of \$6,000,000.00.
- j) The amount up to \$6,000,000.00 is appropriated in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00421, Hemisfair Area Street Redevelopment, SAP WBS Element 40-00421-05-02-01-01, entitled Market Street Realignment, SAP GL Account 5201140.
- k) The amount of \$1,300,000.00 is appropriated in SAP Fund 45906001, 2010 General Obligation Streets, SAP WBS GO-00301-01-01-50-01, SAP GL account 6102100 – Interfund Transfer out entitled Transfer To 40-00300-90-01-07-04. The amount of \$1,300,000.00 is authorized to be transferred to SAP Fund 45099000.
- l) The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00300, Downtown Streets Reconstruction, shall be revised by increasing SAP WBS Element 40-00300-90-01-07-04 entitled Transfer from GO-00301-01-01-50-01, SAP GL Account 6101100 – Interfund Transfer In, by the amount \$1,300,000.00.
- m) The amount of \$2,747,431.92 is appropriated in SAP Fund 45907001, 2007 General Obligation Bond Sold 2012 - Prop 1, SAP WBS GO-00401-01-01-67-01, SAP GL account 6102100 – Interfund Transfer out entitled Transfer To 40-00300-90-01-07-06. The amount of \$2,747,431.92 is authorized to be transferred to SAP Fund 45099000.
- n) The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00300, Downtown Streets Reconstruction, shall be revised by increasing

SAP WBS Element 40-00300-90-01-07-06 entitled Transfer from GO-00401-01-01-67-01, SAP GL Account 6101100 – Interfund Transfer In, by the amount \$2,747,431.92.

- o) The amount of \$4,952,568.08 is appropriated in SAP Fund 45907002, 2007 General Obligation Bond Sold 2012 - Drainage, SAP WBS GO-00402-01-01-39-01, SAP GL account 6102100 – Interfund Transfer out entitled Transfer To 40-00300-90-01-07-05. The amount of \$4,952,568.08 is authorized to be transferred to SAP Fund 45099000.
- p) The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00300, Downtown Streets Reconstruction, shall be revised by increasing SAP WBS Element 40-00300-90-01-07-05 entitled Transfer from GO-00402-01-01-39-01, SAP GL Account 6101100 – Interfund Transfer In, by the amount \$4,952,568.08.
- q) The amount up to \$23,132,680.86 is appropriated in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00300, Downtown Streets Reconstruction, 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
40-00300-04-02-01	Environmental Costs-Market Realignment	5201040	Fees to Prof Contr.	\$750,000.00
40-00300-05-01-01-02	Cap Admin-Market Realignment	5402030	Cap Admin Cost-Dir	\$490,000.00
40-00300-05-01-01-02	Cap Admin-Market Realignment	5402050	Cap Admin Cost-Indir	\$210,000.00
40-00300-05-02-01-02	Construction-Market Realignment	5201140	Construction Cost	\$19,180,680.86
40-00300-05-03-02	Advertising-Market Realignment	5203040	Advertising and Publications	\$2,000.00
40-00300-05-05-01-02	Material Testing-Market Realignment	5201040	Fees to Prof Contr.	\$500,000.00
40-00300-05-06-02	Project Contingency-Market Realignment	5201140	Construction Cost	\$2,000,000.00
			<b>TOTALS</b>	<b>\$23,132,680.86</b>

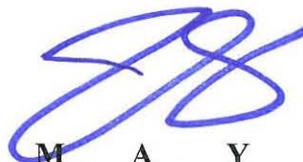
- r) The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00300, Downtown Streets Reconstruction, shall be revised by decreasing SAP WBS Element 40-0430-05-02-01 entitled City Funds, SAP GL account 5201140, by the amount of \$14,132,680.86.
- s) Funds are authorized to be received from SAWS to SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00300, Downtown Streets Reconstruction, and the budget shall be revised by increasing WBS element 40-00300-90-08, SAWS Contribution and SAP General Ledger 4502280, Contribution from other Agencies, in the amount of \$10,283,833.89.
- t) The amount of \$31,559.50 is appropriated in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00300, Downtown Streets Reconstruction, SAP WBS Element 40-00300-05-02-03-02, SAWS Sewer and SAP General Ledger 5201245 Capital Project Other -Construction Cost.

- u) The amount of \$1,161,988.78 is appropriated in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00300, Downtown Streets Reconstruction, SAP WBS Element 40-00300-05-02-04-02, SAWS Water and SAP General Ledger 5201245 Capital Project Other -Construction Cost.
- v) The amount of \$114,295.54 is appropriated in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00300, Downtown Streets Reconstruction, SAP WBS Element 40-00300-05-02-05-02, SAWS Recycle and SAP General Ledger 5201245 Capital Project Other -Construction Cost.
- w) The amount of \$8,975,990.07 is appropriated in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00300, Downtown Streets Reconstruction, SAP WBS Element 40-00300-05-02-08-02, SAWS Chilled Water and SAP General Ledger 5201245 Capital Project Other -Construction Cost.
- x) Funds are authorized to be received from CPS to SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00300, Downtown Streets Reconstruction, and the budget shall be revised by increasing WBS element 40-00300-90-09, CPS Contribution and SAP General Ledger 4502280, Contribution from other Agencies, in the amount of \$1,173,974.15.
- y) The amount of \$389,647.00 is appropriated in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00300, Downtown Streets Reconstruction, SAP WBS Element 40-00300-05-02-06-02, CPS Gas and SAP General Ledger 5201245 Capital Project Other -Construction Cost.
- z) The amount of \$784,327.15 is appropriated in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00300, Downtown Streets Reconstruction, SAP WBS Element 40-00300-05-02-07-02, CPS Electric and SAP General Ledger 5201245 Capital Project Other -Construction Cost.
- aa) Payment in the amount not to exceed \$6,000,000.00 in SAP Fund 45099000, General Obligation Capital Projects, 40-00421, Hemisfair Area Street Redevelopment, is authorized to be encumbered and made payable to **Capital Excavation Company**, for construction services.
- bb) Payment in the amount not to exceed \$ 31,352,903.74 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00300, Downtown Streets Reconstruction, is authorized to be encumbered and made payable to **Capital Excavation Company**, for construction services.
- cc) 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 4.** This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

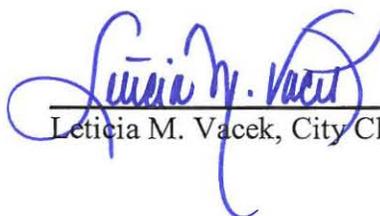
**PASSED AND APPROVED** this 21st day of March, 2013.



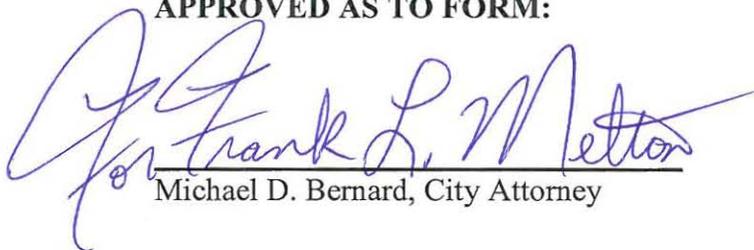
M A Y O R

Julián Castro

**ATTEST:**

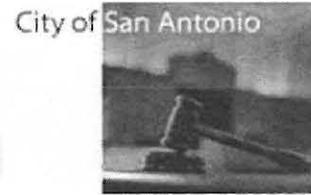
  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Michael D. Bernard, City Attorney



Request for  
**COUNCIL  
ACTION**



**Agenda Voting Results - 16A**

<b>Name:</b>	6, 7, 8, 10, 11, 12, 13, 15A, 15B, 16A, 16B, 16C, 18, 20A, 20B, 21, 22, 24A, 24B, 24C, 24D, 27, 28, 29, 30, 31A, 31B, 32A, 32B, 32C, 32D						
<b>Date:</b>	03/21/2013						
<b>Time:</b>	10:40:16 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance accepting of the lowest responsive bid and awarding a construction contract, including one additive alternate, in the amount of \$37,352,903.74 to Capital Excavation Company; of this total contract amount, funds in an amount not-to-exceed \$25,180,680.86 will be funded by the City, funds in an amount not-to-exceed \$1,173,974.15 will be reimbursed by CPS Energy, funds in an amount not-to-exceed \$10,283,833.90 will be reimbursed by San Antonio Water Systems, funds in an amount not-to-exceed \$639,434.83 will be reimbursed by AT&T and funds in an amount not-to-exceed \$74,980.00 will be reimbursed by Time Warner for joint-bid utility work; amending the FY 2013 – 2018 Capital Improvement Program Budget with the reallocation of \$9,000,000.00 in 2007 Bond Saving funds; and, approving a City requested change order in the decreased amount of \$1,054,320.51 to the \$37,352,903.74 construction contract with Capital Excavation Company for the realignment of Market Street.						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				x
Rey Saldaña	District 4		x			x	
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				