

AN ORDINANCE 2011-04-07-0256

AUTHORIZING A CHANGE ORDER IN THE INCREASED AMOUNT OF \$3,139,920.00 TO THE CONSTRUCTION MANAGER AT RISK SERVICES AGREEMENT WITH GUIDO SUNDT A JOINT VENTURE TO INCREASE THE SCOPE OF WORK FOR THE CITY'S FIRE AND POLICE EMERGENCY DISPATCH CENTER FACILITY.

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WHEREAS, the new 9-1-1 Emergency Dispatch Center will be a single story, 40,000 square foot, state-of-the-art Communications/9-1-1 dispatch center for police and fire emergency services; and

WHEREAS, Ordinance No. 2010-10-07-0854 approved a Construction Manager at Risk Services Agreement **Guido / Sundt, A Joint Venture** in the amount not to exceed \$13,310,311.00 for the City's Fire and Police Emergency Dispatch Center; and

WHEREAS, this Ordinance authorizes a change order in the amount not to exceed \$3,139,920.00 and increases the amount of the contract to \$16,450,231.00; and

WHEREAS, this Change Order provides for additional IT infrastructure required to support specific facility user requirements, as well as, incorporating additional building requirements (i.e., additional wall and under-floor insulation, fire sprinkler heads and dampers) which were identified during the plan review process by Development Services Department and are required in order to eventually obtain a Certificate of Occupancy; and

WHEREAS, pursuant to the provisions of Subchapter D of Chapter 431, Texas Transportation Code, in 2001 the City created a local government corporation known the "City of San Antonio, Texas Municipal Facilities Corporation" (the "Corporation") "for the purpose of aiding and acting on behalf of the City to accomplish certain governmental purposes of the City, to wit: the acquisition, construction, equipping, financing, operation and maintenance of land and other municipal facilities for the City at the request of the City Council of the City"; and

WHEREAS, pursuant to the Bylaws of the Corporation, the City Manager of the City serves as the Executive Director of the Corporation; and

WHEREAS, the City desires to have the Corporation aid and act on behalf of the City by acquiring, designing, constructing, equipping and financing the City's Fire and Police Emergency Dispatch Center, which upon completion will be leased by the Corporation to, and operated by, the City; and

WHEREAS, the Corporation expects to issue a series of Lease Revenue Bonds to finance the construction of the City's Fire and Police Emergency Dispatch Center, but until such

bonds have been issued and the proceeds thereof are available to pay for preconstruction and construction phase services being approved by this Ordinance, the City deems it necessary to commit to pay such costs with the understanding that the City will be fully reimbursed for any payments it makes prior to the issuance of such bonds; and

WHEREAS, this Ordinance confirms the actions taken by the City of San Antonio, Texas Municipal Facilities Corporation pursuant to Resolution No. MFC 2011-04-07-0001R in connection with the authorization of a change order in the amount not to exceed \$3,139,920.00 for the City's Fire and Police Emergency Dispatch Center Project; and

WHEREAS, funds are expected to be available from the Corporation's Lease Revenue Bonds and included in the FY 2011-2016 Capital Improvements Program Budget; and

WHEREAS, approval of this Ordinance will be a continuation of Council policy to complete the City's Fire and Police Emergency Dispatch Center; **NOW THEREFORE**,

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

SECTION 1. The Change Order in the amount not to exceed \$3,139,920.00 is hereby approved. The City Manager or her designee is hereby authorized to execute this Change Order to the Contract with **Guido / Sundt, A Joint Venture**.

SECTION 1. This Ordinance is also a declaration of the City's official intent to be reimbursed by the City of San Antonio, Texas Municipal Facilities Corporation from the proceeds derived from the future issuance of its Lease Revenue Bonds, Series 2011 for any authorized expenditures from any lawfully available funds of the City.

SECTION 2. This reimbursement is contingent upon the sale of the City of San Antonio, Texas Municipal Facilities Corporation Lease Revenue Bonds, Series 2011 for the City's Fire and Police Emergency Dispatch Center Project.

SECTION 3. Payment in the amount not to exceed \$3,139,920.00 in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 40-00216, Public Safety Answering Point, is authorized to be encumbered and made payable to **Guido / Sundt A Joint Venture** for additional construction scope and the procurement of the specialized dispatch console furniture and AV equipment.

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer, City of San Antonio. The Chief Financial Officer may, subject to concurrence by the City Manager, or the City Manager's designee, correct allocation 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.

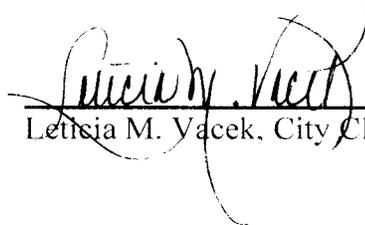
SECTION 5. The City Manager or her designee is hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance.

SECTION 6. 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 7th day of April, 2011.

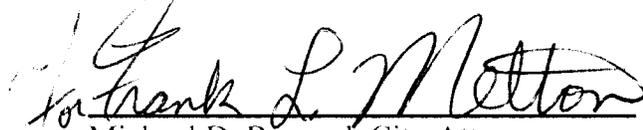

M A Y O R
Julián Castro

ATTEST:

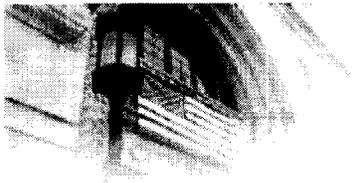


Letisia M. Vacek, City Clerk

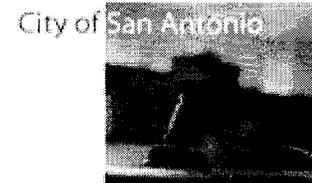
APPROVED AS TO FORM:



Michael D. Bernard, City Attorney



Request for
**COUNCIL
ACTION**



Agenda Voting Results - 5B

Name:	5B						
Date:	04/07/2011						
Time:	09:30:28 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing a change order in the increased amount of \$3,139,920.00 to the \$13,310,311.00 Construction Manager at Risk services agreement with Guido Sundt A Joint Venture to increase the scope of work. Funds for this ordinance are within the project budget.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x			x	
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5	x					
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				x
John G. Clamp	District 10		x				