

AN ORDINANCE 2008-06-19-0556

RATIFYING CHANGE ORDER NO. 3 IN THE AMOUNT OF \$1,113,591.40 TO THE \$5,898,639.40 CONSTRUCTION CONTRACT WITH EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES, INC. THE SKY PLACE ENVIRONMENTAL REMEDIATION PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT FOR A REVISED CONTRACT VALUE OF \$7,012,230.80.

* * * * *

WHEREAS, on June 28, 2007, the City entered into a contract with Eagle Construction and Environmental Services, Inc. in an amount not to exceed \$5,898,639.40 for removal of waste material from 9 acres of potential leasehold sites along Sky Place Boulevard prior to the installation of an underground drainage system at San Antonio International Airport (“Original Agreement”) as authorized by Ordinance No. 2007-06-28-0756; and

WHEREAS, Change Order No. 3 increases compensation to the contractor for the removal of additional soil and Municipal Solid Waste and additional material costs for a temporary airfield access road; and

WHEREAS, it is now necessary to approve Change Order No. 3, increase the contract sum, amend the project budget, and authorize payment; **NOW THEREFORE:**

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

SECTION 1. The City Manager or her designee is authorized to execute Change Order No. 3 to the construction contract with Eagle Construction and Environmental Services, Inc. for work at the San Antonio International Airport in a form substantially similar to the documents set out in Attachment I, increasing the contract sum by a total of \$1,113,591.40, for a revised contract value of \$7,012,230.80. All previous actions by the Aviation Department to carry out the intent of Change Order No. 3 are hereby approved.

SECTION 2. The budget in SAP Fund 51099000, Airport Capital Projects, SAP Project Definition 33-00119, Sky Place Drainage Improvements, shall be revised by decreasing SAP WBS Element 33-00119-05-02-02 entitled Eagle Contingency, SAP GL account 5406530, by the amount of \$589,634.00.

SECTION 3. The budget in SAP Fund 51099000, Airport Capital Projects, SAP Project Definition 33-00119, Sky Place Drainage Improvements, shall be revised by decreasing SAP WBS Element 33-00119-05-07 entitled Unallocated Appropriations, SAP GL account 5406530, by the amount of \$452,424.20.

SECTION 4. The amount of \$71,533.20 is appropriated in SAP Fund 51007000, Airport System Construction, SAP WBS AV-00002-01-01-28, SAP GL account 6102100 – Interfund Transfer out entitled Transfer to 33-00119-90-05. The amount of \$71,533.20 is authorized to be transferred to SAP Fund 45099000.

SECTION 5. The budget in SAP Fund 45099000, SAP Project Definition 33-00119, Sky Place Drainage Improvements, shall be revised by increasing SAP WBS element 33-00119-90-05 entitled Trf Fr AV-00002-01-01-28, SAP GL account 6101100 – Interfund Transfer In, by the amount \$71,533.20.

SECTION 6. The amount of \$1,113,591.40 is appropriated in SAP Fund 51099000, Airport Capital Projects, SAP Project Definition 33-00119, Sky Place Drainage Improvements, SAP WBS Element 33-00119-05-02-01, entitled Eagle Construction, SAP GL Account 5201140, and is authorized to be encumbered and made payable to Eagle Construction and Environmental Services Inc

SECTION 7. 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 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.

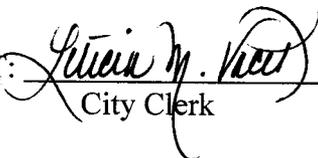
SECTION 8. This Ordinance shall take effect immediately upon passage by eight (8) affirmative votes; otherwise it shall be effective ten (10) days after its passage.

PASSED AND APPROVED this 19th day of June, 2008.



M A Y O R

PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney



Request for
**COUNCIL
ACTION**



Agenda Voting Results - 15

Name:	15
Date:	06/19/2008
Time:	03:18:54 PM
Vote Type:	Motion to Approve
Description:	An Ordinance ratifying a \$1,113,591.40 Change Order to the construction contract with Eagle Construction and Environmental Services Inc. for additional remediation services, materials and related fees in connection with the Sky Place Environmental Remediation Project at San Antonio International Airport for a revised contract value of \$7,012,230.80. [Penny Postoak Ferguson, Assistant City Manager; Mark Webb, Director, Aviation]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x			x	
Justin Rodriguez	District 7		x				x
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10	x					

Attachment I



**CITY OF SAN ANTONIO
AVIATION DEPARTMENT
FIELD ALTERATION REQUEST**

Form PW-15-AVIATION
Rev. 3/2006
(Submit 6 Originals)

Date Prepared: May 30, 2008 Field Alteration No. 3 Project No. 33-00119-05-02-01
Project Name: Sky Place Environmental Remediation Project at SAIA

The revision or amendment described below is to the work originally or previously specified is hereby requested, including all changes in costs. (Describe work to be added or deleted, including SAP Material number. Attach a revised plan sheet affected or drawings.)
1) Remove additional overburden soil and municipal solid waste at \$ 1,060,459.40.
2) Obtain hauling permit for hauling MSW to landfill site in the amount of \$ 24,570.00.
3) Additional concrete pipe and pavement material for extension of 1378 feet temporary road at the costs of \$ 28,562.00.
See Attachment A for the breakdown costs..

Justification for Proposed Alteration (Describe in detail why this work is to be added or deleted. Use attachments if necessary.):
Eagle has found additional municipal solid waste over the original budget allowed. It would waste funds if we asked Eagle to stop the work by importing soil with more than 10 feet depth and later asked a new contractor to excavate the same area again. In order to utilizing the funds effectively, converting the land to be feasible and under aircraft operation within the short duration, and also having the ability to utilize the remaining FAA funding, we would like Eagle Construction and Environmental Services to complete the work. May 5, 2008 proposal from Eagle is attached for review. See Attachment B for the location.

Field Alteration will result in change to Contract Cost as: [] Increase [] Decrease \$ 1,113,591.40
Field Alteration will result in change to Contract Days as: [] Increase [] Decrease # Days 75 days from 05/14/2008
(To be negotiated by the Contractor and the City.) [] Working Days [] Calendar Days

REQUESTED BY:
City of San Antonio, Aviation Department 5/30/08 Date
City, Consulting Engineer/ Architect, Other (Please Specify) Hiren Shah, Project Manager Date 5/30/08
Firm: Eagle Construction and Environmental Services, Inc.

RECOMMENDED BY:
Kao-Lin Chen 5/30/08 Date
Kao-Lin Chen, P.E., Sr. Airport Engineer
Firm: Aviation Department
Doug McGooky Date
Doug McGooky, PG, Vice President/Geologist
Medina Consulting Company
David Newman Date
David Newman, Environ. Services Manager
Environmental Services Department

APPROVED BY:
Dan Gallagher Date
Dan Gallagher, Capital Programs Manager
Aviation Department
Director of Public Works Date
Director of Public Works (If over \$25,000)

FOR CITY USE ONLY

Ordinance Required: [] Yes [] No [] FA Amount \$25,000 (+ or -) [] Additional funds required \$ _____
WBS Element: _____ WBS Element: _____
Original Contract Amount: \$ _____ Construction Contingency Fund: \$ _____
Previous Approved FAs: \$ _____ Previous Approved FA: \$ _____
This Field Alteration: \$ _____ This Field Alteration: \$ _____
Total: \$ _____ Total Field Alterations: \$ _____
Balance: \$ _____
Vendor #: _____ Ordinance #: _____ Ordinance Date: _____
Purchase Requisition #: _____ Contract #: _____ Purchase Order #: _____

NOTE: This form is a local government record and shall be retained in accordance with the provisions of the Local Government Code, Section 201. Provide six (6) originals with supporting documents.

1) Item 1: Additional Work

Item	Unit	Approximate Quantity and Unit	Unit Price	Extended Price	Remarks
Site A- Additional removal and backfilling of overburden	C.Y.	25,000.00	\$5.74	\$143,500.00	add \$0.26 for fuel cost
Site A- Excavate, haul and dispose of additional MSW	C.Y.	5,000.00	\$28.39	\$141,950.00	add \$2.39 for fuel cost
Imported earth fill from Airport borrow pit, place and compact	C.Y.	70,000.00	8.58	\$600,600.00	add \$0.63 for fuel cost
Mobilization and Demobilization	L.S.	1.00	\$7,025.00	\$7,025.00	
Insurance	L.S.	1.00	\$0.00	\$0.00	Please reduce this amount on the left. Total of this item and the item below are equal to \$ 33,900.00.
Insurance (Non FAA Participate Amount).	L.S.		\$33,900.00	\$33,900.00	Please place a portion of \$ 33,900.00 to the blank on the left.
Payment Bond and Performance Bond 4%	L.S.	1.00	\$37,079.00	\$37,079.00	
Estimate Sub Total				\$964,054.00	
Contingency 10%				\$96,405.40	
Total for Item 1				\$1,060,459.40	

2) Item 2

Hauling Permit

Eagle intends to utilize about 10 trucks to haul additional MSW. MSW. City of San Antonio's permit to haul MSW will be \$ 2,250/truck. Add 4% P&P Bond and 5% markup.

$(\$ 2,250 * 10) * 1.04 * 1.05 = \$ 24,570.00.$

3) Item 3

Additional Material Cost for the additional 1378 feet and one low water crossing required for the temporary Road

Grade 2 Base with 1500 tons of Grade2 Base material	\$12,000.00
650 gallons of prime coat	\$2,275.00
4-36" RCP Culvert with 60' each, total 240'	\$14,287.00
Total	\$28,562.00

Summary

Item	Total
Item 1	\$1,060,459.40
Item 2	\$24,570.00
Item 3	\$28,562.00
Total of All Three Items	\$1,113,591.40



9701 East I-20
P.O. Box 872
Eastland, Texas 76448
Phone (254) 629-1718
Fax (254) 629-8625

May 2, 2008

Mr. Kao-Lin Chen
City of San Antonio – Aviation Department
9800 Airport Blvd.
San Antonio, Texas 78216

Re: Eagle's Project No: 04-71-5076 – Sky Place Environmental Remediation Project – Revised proposal for removal of additional waste (MSW) and overburden located within the project boundary

Dear Mr. Chen:

Per your request, Eagle is submitting a revised proposal to remove additional overburden soil and municipal solid waste (MSW) located within the project boundary. Eagle hereby summarizes the estimated total cost for the additional work.

Cost to perform additional work

Item	Approximate Quantity and Unit	Unit Price	Extended Price
Additional removal and backfilling of overburden soil	25,000 c.y.	\$5.74/c.y.	\$143,500.00
Excavate, haul and dispose of additional MSW	5,000 c.y.	\$28.39/c.y.	\$141,950.00
Imported earth fill from Airport borrow pit – Wetmore stockpile	70,000 c.y.	\$8.58/c.y.	\$600,600.00
Mobilization, demobilization and permit	1 l.s.	\$7,025.00	\$7,025.00
Insurance	1 l.s.	\$33,900.00	\$33,900.00
Payment & performance bond (4%)	1 l.s.	\$898,275.00	\$37,079.00
Estimated Sub Total			\$964,054.00
Contingency (10%)			\$96,405.40
Obtain hauling permit from City of San Antonio to haul MSW to landfill			\$24,570.00
Material cost for temporary road and culvert			\$28,562.00
Estimated Total Cost			\$1,113,591.40

The above estimated total cost is based upon estimated quantities. The project will be invoiced at the above unit rates for actual quantities incurred.

Our proposal is based upon the following conditions:

- Eagle will submit an invoice for the retainage amount related to the base contract amount at the end of March 2008. The client will release the retainage amount related to base contract within 30 days of the invoice.

F:/Estidata/2007jobs/Cibolo/04715076

Eastland, Tx (254)629-1718	Fort Worth, Tx (817)847-1333	La Porte, Tx (281)867-9131	San Antonio, Tx (210)946-2258	Gonzales, La (225)677-7877	Little Rock, Ar (501)955-2747
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Mr. Kao-Lin Chen
City of San Antonio – San Antonio International Airport
Eagle Project No. 04-71-5076
May 2, 2008

Page 2

- Eagle will submit invoices for additional work on a monthly basis. The client will pay the invoice amount less retainage within 60 calendar days from the invoice date. The retainage for the additional work will be invoiced once the work is completed and the client will pay the retainage amount for the additional work within 30 days from the date of invoice.
- It is our understanding that the client will approve the airport ID badge extension up to the completion of the project. Pricing does not include reapplying for airport ID badge.
- Eagle's unit rates for the additional quantities have been adjusted to compensate for substantial increases in fuel costs since the submission of the original bid.
- Pricing includes removal of overburden soil and MSW within the project limit only.
- This option does not include removal of additional overburden or MSW from the Area 3 and 4 located outside the project boundary and as depicted in the drawing provided by Medina Consultants.
- Pricing does not include providing office trailer(s).
- Pricing does not include relocate perimeter fence or obtaining approval from FAA to relocate AOA fence.
- Any waiting time/standby time or delay not in Eagle's control will be invoiced at time and material basis.
- The client will extend the project completion time by the actual days require for performing additional work.
- If backfill material is not available within the airport boundaries additional cost will apply to import material from off-site.
- The quantity of backfill material depends upon the available fund after the completion of additional work. If the appropriate fund is not available, Eagle will not be able to grade the entire area properly.
- Once the backfilling is completed based upon available fund, Eagle will restore the site by seeding.
- Eagle will not be responsible for ponding of any water. After the seeding activities, Eagle will submit NOT to TCEQ or transfer the NOI to City of San Antonio (COSA). The COSA will be responsible for necessary storm water control measures, permit, etc.

We look forward to providing our best services and support to you. If you are in agreement with this change in work scope, please sign your name in the space provided below and return a copy to me via facsimile. If you have any question, please feel free to contact me at (254) 629-1718.

Very truly yours,
Eagle Construction and Environmental Services, LP

Hiren Shah
Project Manager

Mr. Kao-Lin Chen
City of San Antonio – San Antonio International Airport
Eagle Project No. 04-71-5076
May 2, 2008

Page 3

By signature below, client hereby accepts the above proposal and agrees to all of the terms, conditions and exhibits referred to and incorporated herein:

Accepted by:

BY _____

NAME _____

TITLE _____

ADDRESS _____

CITY, STATE, ZIP _____

TELEPHONE _____

FAX _____

DATE _____

Accepted by:

Eagle Construction and
Environmental Services, L.P.

BY _____

NAME _____

TITLE _____

9701 East I-20

Eastland, Texas 76448

(254) 629-1718

(254) 629-8625

DATE _____



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # 15
Council Meeting Date: 6/19/2008
RFCAs Tracking No: R-3496

DEPARTMENT: Aviation Department

DEPARTMENT HEAD: Mark Webb

COUNCIL DISTRICT(S) IMPACTED:
City Wide

SUBJECT:
Sky Place Environmental Remediation – Change Order 3 (Owner Requested)

SUMMARY:
This Ordinance ratifies Change Order 3 (Owner Requested) with Eagle Construction and Environmental Services Inc. in the amount of \$1,113,591.40 for the Sky Place Environmental Remediation Project at San Antonio International Airport.

BACKGROUND INFORMATION:

Project Description

In its Capital Program, the City has identified a project that will allow for future expansion of the San Antonio International Airport. The Sky Place Drainage Improvements project will provide a phased implementation to replace the current open channel that parallels Sky Place Boulevard with an underground system. Once completed, approximately 16 acres will be available for new tenant development.

An area of municipal solid waste (MSW) was discovered during the design investigation phase relating to the Sky Place Drainage system. The solid waste material needed to be removed prior to the installation of the underground drainage system in the affected area. The Sky Place Environmental Remediation Project is nearly complete. The project included excavation of approximately 110,000 cubic yards of solid waste material, transportation, and disposal at an approved landfill site. Associated work included grading and drainage, erosion protection, and asphalt pavement reconstruction.

This action authorizes Change Order 3 (Owner Requested) in the amount of \$1,113,591.40 to remove additional soil and MSW and associated permitting fees, and additional compensation to the contractor for material costs of a temporary airfield access road. Additional solid waste material was discovered during the execution of this contract. Removal of the additional MSW is required to facilitate the following drainage improvements projects. The installed temporary airfield access road was longer than it was specified in the original contract documents. The contractor was directed to perform the additional remediation to prevent delay in implementing the following drainage improvements and concurrent tenant development projects. This also allows

the expenditure of existing Federal Administration Aviation (FAA) Grant funds supporting this project prior to its closure in August 2008.

Related Council Action History

The City executed a Construction Contract with Eagle Construction and Environmental Services Inc. in the amount of \$5,898,639.40 on June 28, 2007. Subsequent change orders have modified the scope of work between work locations at no change to the contract value. This change order will increase the total contract amount to \$7,012,230.80.

Change Order Categories

Change Orders are identified as one of four (4) different categories. They are defined as follows:

- Owner requested – Owner requested change orders are the result of changes requested by the City, not included in the original project scope of a project. These changes may occur after final design had been completed and/or during the construction phase of a project. Examples of an owner requested change order may include the addition or deletion of items such as sidewalks, driveway approaches, traffic devices, etc.
- Utility driven – Utility driven change orders are usually the result of an unexpected conflict with a utility facility. The conflict could result in additional costs for emergency repair or to avoid and maneuver around the utility facility. Emergency utility repairs are usually the result of lack of knowledge about the location of the utility facility.
- Unforeseen conditions – Change orders due to unforeseen conditions are primarily the direct or indirect result of conditions that are not anticipated or preventable. Unforeseen conditions may be the result of severe weather conditions, archeological requirements and services, discovery of endangered species, etc.
- Error/omissions – Change orders due to error or omissions are usually the result of requirements for the project unrealized by the design consultant during the design phase or realized during the construction phase and are necessary for the completion of the project.

ISSUE:

This action continues City Council's policy to address environmental issues in an expeditious manner consistent with state and federal environmental regulations. Removal of the additional municipal solid waste under the existing contract will allow the future drainage improvement projects to proceed. Additionally, this action facilitates the immediate expenditure of existing FAA Grant funding thereby maximizing the use of federal funds on this project.

ALTERNATIVES:

Removal of the additional MSW is required in order to complete the following drainage improvements projects. The one alternative would be to add this environmental remediation work to the following drainage project. This alternative would risk a cost increase due to the addition of environmental regulatory requirements.

FISCAL IMPACT:

This action will appropriate \$71,533.20 in the 2001 Airport Construction Fund as the City's

matching share to the FAA Grant funds supporting this Change Order. This action will also be funded from the Construction Project Contingency in the amount of \$589,634.00 and Unallocated Project Appropriations in the amount of \$452,424.20. Sufficient funds are available for this action.

RECOMMENDATION:

Staff recommends approval of Change Order 3 in the amount of \$1,113,591.40 with Eagle Construction and Environmental Services Inc. for the Sky Place Environmental Remediation Project at San Antonio International Airport.

ATTACHMENT(S):

File Description	File Name
Sky Place Remediation-Eagle-Change Order3	Sky Place Remediation-Eagle FA3.pdf
Voting Results	
Ordinance/Supplemental Documents	200806190556.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Mark Webb Director Aviation Department

APPROVED FOR COUNCIL CONSIDERATION:

Penny Postoak Ferguson Assistant City Manager