

AN ORDINANCE 2008-06-05-0471

**AUTHORIZING A \$1,390,580.00 AMENDMENT OF THE CONSTRUCTION MANAGER AT RISK CONTRACT WITH CLARK CONSTRUCTION GROUP LLC/THOS. BYRNE, A JOINT VENTURE, FOR PRECONSTRUCTION SERVICES FOR TERMINALS B & C, THE CONSOLIDATED BAGGAGE HANDLING SYSTEM, TERMINAL 2 DEMOLITION, AND CENTRAL UTILITY PLANT AT SAN ANTONIO INTERNATIONAL AIRPORT FOR THE PERIOD MAY 26, 2008 THROUGH MAY 15, 2009.**

\* \* \* \* \*

**WHEREAS**, on May 2007, the City entered into a construction manager at risk contract with Clark Construction Group LLC/Thos. Byrne, a Joint Venture, ("Clark/Byrne") with estimated construction costs up to \$200 million based on the 2006 budget as authorized by Ordinance No. 2007-06-21-0697 ("CM@Risk Contract"), including preconstruction costs in the amount of \$3,759,633.00 for a period of one year; and

**WHEREAS**, additional preconstruction services are required for an additional one year period beginning May 26, 2008 and ending May 15, 2009 to facilitate the final design and construction implementation of Terminal B, consolidated Baggage Handling System and Central Utility Plant; and

**WHEREAS**, it is now necessary to approve an amendment to the CM@Risk Contract to extend the preconstruction services period and increase preconstruction fees; **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 an amendment to the CM@Risk Contract for preconstruction services in connection with Terminal B, Terminal C, Terminal 1, Terminal 2 Demolition and Central Utility Plant, extending the preconstruction services through May 15, 2009, in an amount not to exceed \$1,390,580.00.

**SECTION 2.** The amount of \$796,038.08 is appropriated in SAP Fund 51005001, 2007 Airport Construction Fund, SAP WBS AV-00014-01-01-11, SAP GL account 6102100 – Interfund Transfer out entitled Transfer to 33-00038-90-05. The amount of \$796,038.08 is authorized to be transferred to SAP Fund 51099000.

**SECTION 3.** The budget in SAP Fund 51099000, SAP Project Definition 33-00038, NTE - Construction Manager at Risk, shall be revised by increasing SAP WBS element 33-00038-90-05 entitled Trf Fr AV-00014-01-01-11, SAP GL account 6101100 – Interfund Transfer In, by the amount \$796,038.08.

**SECTION 4.** The amount of \$594,541.92 is appropriated in SAP Fund 51006002, PFC Construction Fund 2007, SAP WBS AV-00015-01-01-10, SAP GL account 6102100 – Interfund Transfer out entitled Transfer to 33-00038-90-06. The amount of \$594,541.92 is authorized to be transferred to SAP Fund 51099000.

**SECTION 5.** The budget in SAP Fund 51099000, SAP Project Definition 33-00038, NTE - Construction Manager at Risk, shall be revised by increasing SAP WBS element 33-00038-90-06 entitled Trf Fr AV-00015-01-01-10, SAP GL account 6101100 – Interfund Transfer In, by the amount \$594,541.92.

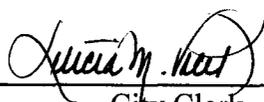
**SECTION 6.** The amount of \$1,390,580.00 is appropriated in SAP Fund 51099000, Airport Capital Projects, SAP Project Definition 33-00038, NTE - Construction Manager at Risk, SAP WBS Element 33-00038-05-02-01, entitled NTE - Construction Manager at Risk, SAP GL Account 5201140, and is authorized for payment to be encumbered with a purchase order and made payable to Clark/Byrne Joint Venture Construction Manager at Risk (CMR).

**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 5<sup>th</sup> 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 - 11

<b>Name:</b>	5, 6, 7, 8, 9, 10, 11, 12, 14, 18, 19, 21, 22A, 22B, 23, 24, 25, 27, 31
<b>Date:</b>	06/05/2008
<b>Time:</b>	10:58:08 AM
<b>Vote Type:</b>	Motion to Approve
<b>Description:</b>	An Ordinance authorizing a \$1,390,580.00 amendment to the Construction Manager at Risk Contract with Clark Construction Group LLC/ Thos. Byrne, a Joint Venture, for preconstruction services for Terminals B & C, the consolidated Baggage Handling System, Terminal 2 demolition, and central utility plant at San Antonio International Airport for the period May 26, 2008 through May 15, 2009. [Penny Post oak Ferguson, Assistant City Manager; Mark Webb, Director, Aviation]
<b>Result:</b>	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				
Diane G. Cibrian	District 8		x				x
Louis E. Rowe	District 9	x					
John G. Clamp	District 10		x				

**RFQ ATTACHMENT B**  
**DISCRETIONARY CONTRACTS DISCLOSURE FORM**

**City of San Antonio**  
**Discretionary Contracts Disclosure**

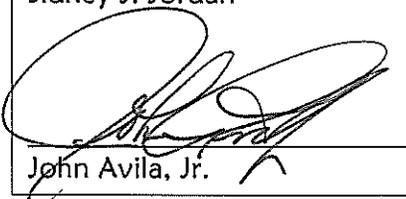
*For use of this form, see Section 2-59 through 2-61 of the City Code (Ethics Code)  
Attach additional sheets if space provided is not sufficient.*

(1) Identify any individual or business entity that is a <b>party</b> to the discretionary contract:			
Clark/Byrne, A Joint Venture Clark Construction Group, LLC Thos. S. Byrne, Ltd.			
(2) Identify any individual or business entity which is a <b>partner, parent</b> or <b>subsidiary</b> business entity, of any individual or business entity identified above in Box (1):			
<input type="checkbox"/> <b>No partner, parent or subsidiary; or</b>			
<b>List partner, parent or subsidiary of each party to the contract and identify the corresponding party:</b>			
<b>CLARK:</b> See attached sheet. <b>BYRNE:</b> See attached sheet.			
(3) Identify any individual or business entity that would be a <b>subcontractor</b> on the discretionary contract.			
<input type="checkbox"/> <b>No subcontractor(s); or</b>			
<b>List subcontractors:</b> BSCI, Inc., Jasmine Engineering, Inc. , Grijalva & Allen, PC			
(4) Identify any <b>lobbyist</b> or <b>public relations firm</b> employed by any party to the discretionary contract for purposes related to seeking the discretionary contract.			
<input checked="" type="checkbox"/> <b>No lobbyist or public relations firm employed; or</b>			
<b>List lobbyists or public relations firms:</b>			
<b>(5) Political Contributions</b> List all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made to any <i>current</i> or <i>former member</i> of City Council, any <i>candidate</i> for City Council, or to any <i>political action committee</i> that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under Box (1), (2), (3) or (4) above, or by the officers, owners of any business entity listed in Box (1), (2) or (3):			
<input checked="" type="checkbox"/> <b>No contributions made; If contributions made, list below:</b>			
<b>By Whom Made:</b>	<b>To Whom Made:</b>	<b>Amount:</b>	<b>Date of Contribution:</b>
<b>(6) Disclosures in Submittals</b> Any individual or business entity seeking a discretionary contract with the city must disclose any known facts which, reasonably understood, raise a question as to whether any city official or employee would violate Section 2-43 of the City Code (Ethics Code), ("conflicts of interest") by participating in official action relating to the discretionary contract.			

Party not aware of facts which would raise a "conflicts-of-interest" issue under Section 2-43 of the City Code; or

**Party aware of the following facts:**

*This form is required to be supplemented in the event there is any change in the information before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed, whichever occurs first.*

<p><b>Signature:</b></p>  <p>_____ Sidney J. Jordan</p>  <p>_____ John Avila, Jr.</p>	<p><b>Title:</b> Executive Vice President <b>Company or D/B/A:</b> Clark Construction Group, LLC</p> <p><b>Title:</b> President and CEO <b>Company or D/B/A:</b> Thos. S. Byrne, Ltd.</p>	<p><b>Date:</b> 04/25/07</p>
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**RFQ ATTACHMENT B -Continued**  
**DISCRETIONARY CONTRACTS DISCLOSURE FORM**

**(2) Identify any individual or business entity which is a partner, parent or subsidiary business entity, of any individual or business entity identified above in Box (1):**

**CLARK:** Clark Construction is a majority-owned subsidiary of Clark Enterprises, Inc.

**SUBSIDIARIES**

- |   |   |                                       |  |
|---|---|---------------------------------------|--|
| 95 Express, LLC                             | Clark Contractors - Texas, Inc.                 | Clark Quincy Park, LLC                | Mc3D, Inc.   |
| Atkinson Construction, LP                   | Clark DCC Builders, LLC                         | Clark Real Estate Advisors, LLC       | Mc4West, LLC   |
| Atkinson Contractors, Inc.                  | Clark Design/Build, LLC                         | Clark Residential, LLC                | McCormick West Constructors, LLC                         |
| Atkinson Contractors, LP                    | Clark/Design Build of CA, Inc.                  | Clark Strategic Operations Group, LLC | Nicollet Builders, LLC                                   |
| Atkinson - Nevada, LLC                      | Clark Development Services, LLC                 | Clark Surety Services, LLC            | One World Ventures, LLC                                  |
| Atkinson Underground, LP                    | Clark/Duke, LLC                                 | Clark Transportation Solutions, LLC   | Public Private Alliances, LLC                            |
| Capital Concrete Contractors, LLC           | Clark/Dulles Station, LLC                       | Clark/Vermont Avenue, LLC             | Route 28 Corridor Improvements, LLC                      |
| CBZG Design Builders, LLC                   | Clark Educational Advisors, LLC                 | DC Arena Associates, Inc.             | S2N Technology Group, LLC                                |
| CDS Management, LLC                         | Clark Facility Services, LLC                    | Edgemoor Real Estate Services, LLC    | Shirley/Clark Loudoun Infrastructure, LLC                |
| Clark 915 E Street, LLC                     | Clark Foundations, LLC                          | Grape Enterprises, LLC                | Shirley Contracting Company, LLC                         |
| Clark/Blinderman/Knight, LLC                | Clark/Gruen Design/Build, Inc.                  | Guy F Atkinson Const., LLC            | Shirley Design/Build, LLC                                |
| Clark/Blinderman Camp Porter, LLC           | Clark Global Technologies, LLC                  | Hall of Justice Associates, Inc.      | Shirley Pentagon Contractors LLC                         |
| Clark Civil, LLC                            | Clark/Hagerman-Schenkel Shultz, LLC             | ICC Constructors, LLC                 | South County Secondary, LLC                              |
| Clark Concrete Contractors LLC              | Clark/M+W Zander, LLC                           | Innovative Infrastructure, LLC        | Spotsylvania County Infrastructure, LLC                  |
| Clark Construction Group - California, Inc. | Clark/Monroe Street, LLC                        | LA School Developers, LLC             | Tara North, LLC  |
| Clark Construction Group - California, LP   | Clark Multi-Family Builders - Mid-Atlantic, LLC | Lee Village at Silver Lake, LLC       | Terminal Road Newington, LLC                             |
| Clark Construction Group - Texas, LP        | Clark Multi-Family Builders - West, LP          | Loudoun Civic and Transit Center, LLC | Texas Contractors, LLC                                   |
| Clark Construction International, LLC       | Clark Quincy Court, LLC                         | Main and First D/B Assoc. Inc.        | The Clark Construction Group Charitable Foundation, Inc. |
|   |   |                                       | Woodbridge Transportation Solutions, LLC                 |

**BYRNE:** Thos. S. Byrne is a majority-owned subsidiary of Jonathan Avila Co., Ltd.

**Project:**  
**Contractor:**

Terminal Expansion Projects at San Antonio International Airport  
Clark/Byrne, a Joint Venture

	<b>Expansion Program - Phase 1 PreConstruction Services</b>	<b>Expansion Program - Phase 2 Construction Services Terminal B</b>	<b>Expansion Program - Phase 2 Construction Services Terminal 1</b>
Original Contract - PreConstruction	\$ 3,759,633.00		
Amendment - PreConstruction	\$ 1,390,580.00		
<b>Current Contract Value - Phase 1 PreConstruction Services</b>	<b>\$ 5,150,213.00</b>		
Amendment - GMP - Construction		\$ 31,143,083.00	\$ 1,973,024.00
		<b>\$ 31,143,083.00</b>	<b>\$ 1,973,024.00</b>
<b>Current Contract Value - Phase 2 Construction Services</b>		<b>\$ 33,116,107.00</b>	