PW: gg
10/15/2015
Item No. 7.

AN ORDINANCE 2015-10-15-0869

ACCEPTING THE LOWEST RESPONSIVE BID, INCLUDING TEN ADDITIVE ALTERNATES AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT NOT TO EXCEED $7,407,861.70 TO EZ-BEL CONSTRUCTION, LLC FOR THE MENGER CREEK DRAINAGE, A 2012-2017 BOND-FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 2, OF THIS AMOUNT $845,751.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS AND $49,905.00 WILL BE REIMBURSED BY CPS ENERGY AND AMENDING THE AGREEMENT TO $2,800,000.00 FROM THE BEXAR COUNTY FLOOD CONTROL PROGRAM.

* * * * *

WHEREAS, the voters approved the 2012-2017 Bond Program on May 12, 2012 which authorized $6,526,000.0 for the Menger Creek Drainage Project and on December 4, 2014, City Council authorized an Interlocal Agreement between the City of San Antonio and Bexar County accepting funds up to $4,000,000 from the Bexar County Flood Control Program; and

WHEREAS, the Menger Creek Drainage Project provides for the construction of channel improvements, a span bridge at Rio Grande Street; culvert improvements at the Union Pacific Railroad Bridge; a pedestrian bridge at Grimes Street and a Linear Park Trailway along the Menger Creek channel which will significantly reduce the water surface elevation along the channel and to remove an anticipated of 49 properties from the floodplain; and

WHEREAS, an Interlocal Agreement was approved by Ordinance No. 2014-12-04-0973 provided for Bexar County to contribute funding to the construction of the Menger Creek Drainage Project; and

WHEREAS, after the bids were received, the Interlocal Agreement was reduced to $2,800,000.00 and brought the Project budget to $9,326,000.00; and

WHEREAS, this Ordinance accepts the lowest responsive bid including ten additive alternates submitted by **EZ-Bel Constructions, LLC** in the amount not to exceed $7,407,861.70 for the Menger Creek Drainage Project, and

WHEREAS, of the total contract amount the City will be reimbursed $845,751.00 by San Antonio Water Systems and $49,905.00 will be reimbursed by CPS Energy; and

WHEREAS, this Ordinance also amends the Interlocal Agreement to $2,800.000.00 from the Bexar County Flood Control Program; and

WHEREAS, this Ordinance also authorizes the reallocation of $1,334,921.24 in Certificates of Obligation from two projects in the 2016 Street Maintenance Program (SMP) into the Menger Creek Drainage Project for the purpose of providing park amenities along Menger Creek; and

WHEREAS, this is a one-time capital improvement expenditure in the amount of $7,407,861.70 from which funds are available from the 2012-2017 General Obligation Bond and are included in the FY 2016-2021 Capital Improvement Budget; **NOW THEREFORE,**

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

SECTION 1. The lowest responsive bid of **EZ-Bel Constructions, LLC** in the amount not to exceed $7,407,861.70 for the Menger Creek Drainage 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 **EZ-Bel Constructions, LLC.**

SECTION 3. The Interlocal Agreement approved by City Council Ordinance No 2014-12-04-0973 is hereby amended to reduce the amount received from the Bexar County Flood Control Program to $2,800.000.00.

SECTION 4. The following financial adjustments are hereby approved:

a) The amount of $1,334,921.24 is appropriated in SAP Fund XXXXXXXX, CDBG Reprograming, SAP Internal Order # 1XX00000XXXX, SAP GL account 6102100 – Interfund Transfer out entitled From XXXXXXXX to 23-01474-90-04-01. The amount of $781,079.02 is authorized to be transferred to SAP Fund 40099000.

b) The budget in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 23-01474, FY 2016 Street Maintenance Program (SMP), shall be revised by increasing SAP WBS Element 23-01474-90-04-01 entitled Transfer from I/O# 1XX00000XXXX (SWAP), SAP GL Account 6101100 – Interfund Transfer In, by the amount $1,334,921.24.

c) The budget in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 23-01474, FY 2016 Street Maintenance Program (SMP), shall be revised by decreasing SAP WBS element 23-01474-90-02-01 entitled FY 2016 Unissued CO's, SAP GL account 6101100, by the amount of $1,334,921.24.

d) The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00328, Menger Creek Drainage, shall be revised by increasing SAP WBS element 40-00328-90-02-01 entitled FY 2016 Unissued CO's, SAP GL account 6101100 – Interfund Transfer In, by the amount $1,334,921.24.

e) Funds are authorized to be received from SAWS to SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00328, Menger Creek Drainage, and the budget shall be revised by increasing WBS element 40-00328-

90-08, SAWS Contribution and SAP General Ledger 4502280, Contribution from other Agencies, in the amount of $845,751.00.

f) Funds are authorized to be received from CPS Energy to SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00328, Menger Creek Drainage, and the budget shall be revised by increasing WBS element 40-00328-90-09, CPS Contribution and SAP General Ledger 4502280, Contribution from other Agencies, in the amount of $49,905.00.

g) Funds are authorized to be reduced from Bexar County to SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00328, Menger Creek Drainage, and the budget shall be revised by decreasing WBS element 40-00328-90-10-01, Bexar County Contribution and SAP General Ledger 4502280, Contribution from other Agencies, in the amount of $1,200,000.00.

h) The amount of $1,030.577.24 is appropriated in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00328, Menger Creek Drainage, and the budget shall be revised by increasing/decreasing SAP WBS Elements as follows:

WBS NO.	WBS NAME	G/L	G/L NAME	PLAN VERSION 0 REVISION/ Appropriation
40-00328-05-02-02	Construction-Park Amenities	5201140	Construction Cost	1,334,921.24
40-00328-05-02-03	Construction-SAWS Sewer	5201245	CP Othr-Constr Costs	544,180.00
40-00328-05-02-04	Construction-SAWS Water	5201245	CP Othr-Constr Costs	301,571.00
40-00328-05-02-06	Construction-CPS Gas	5201245	CP Othr-Constr Costs	49,905.00
40-00328-05-02-08	Construction-Bexar County	5201245	CP Othr-Constr Costs	-1,200,000.00
			Totals	1,030,577.24

i) Payment in the amount not to exceed $7,407,861.70 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00328, Menger Creek Drainage, is authorized to be encumbered and made payable **EZ-Bel Construction, LLC.**, for construction services. Payments for services are contingent upon the availability of funds and the sale of future City of San Antonio, Certificates of Obligation in accordance with the adopted capital budget. 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 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 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 **15th** day of **October, 2015.**

For **M A Y O R**
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Martha G. Sepeda, Acting City Attorney

Agenda Item:	7
Date:	10/15/2015
Time:	10:55:09 AM
Vote Type:	Motion to Approve
Description:	An Ordinance in partnership with Bexar County for the Menger Creek Drainage Project awarding a construction contract including ten additive alternates to EZ-Bel Construction, LLC. in the amount of $7,407,861.70, of which $845,751.00 will be reimbursed by San Antonio Water Systems and $49,905.00 will be reimbursed by CPS Energy, and amending the interlocal agreement with Bexar County to accept $2,800,000.00 from the Bexar County Flood Control Program, a 2012-2017 Bond-funded Project, located in Council District 2. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director Transportation and Capital Improvements]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				
Alan Warrick	District 2		x			x	
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4	x					
Shirley Gonzales	District 5	x					
Ray Lopez	District 6		x				
Cris Medina	District 7		x				x
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				