FLM:gg
03-20-2014
Item No. 05.

AN ORDINANCE 2014-03-20-0169

AUTHORIZING AN AMENDMENT TO A DESIGN/BUILD SERVICES AGREEMENT WITH BYRNE CONSTRUCTION SERVICES, IN THE INCREASED AMOUNT NOT-TO-EXCEED $1,400,000.00, FOR ADDITIONAL ENGINEERING AND CONSTRUCTION SERVICES AS A RESULT OF UNFORESEEN HISTORICAL CONDITIONS AND OTHER CONSTRUCTION MODIFICATIONS; AND, AMENDING THE FY 2014 – 2019 CAPITAL IMPROVEMENT BUDGET WITH THE APPROPRIATION OF AN ADDITIONAL $632,574.00 IN PUBLIC EDUCATION GOVERNMENT FUNDS, $272,942.00 IN UNISSUED 2014 SELF-SUPPORTING TAX NOTES AND $494,484.00 IN FACILITY SERVICES FUND BALANCE FUNDS TO THE PLAZA DE ARMAS PROJECT.

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WHEREAS, the Plaza de Armas building was acquired by the City in 1986 and consists of four interconnecting buildings creating one large building for a total of 41,000 square feet of usable space; and

WHEREAS, the building was previously used for office space for different City departments, but over the years it has become deteriorated and not suitable for office space and is now vacant; and

WHEREAS, Ordinance No. 2012-06-14-0428 authorized a design build contract with **Byrne Construction Services** for the design and construction of improvements to rehabilitate the historic Plaza de Armas building, in the not to exceed amount of $8,100,000.00; and

WHEREAS, previous amendments have increased this contract amount by $1,800,000.00 to a total contract amount of $9,900,000.00 (22.2% of the original contract price) and this amendment will increase the contract by $1,400,000.00 for a new total of $11,300,000.00 (39.5% of the original contract price); and

WHEREAS, the Project provides for overall improvements to the entire building both the interior and exterior with proposed building improvements to include a complete new roof replacement, rehabilitation of exterior doors, windows and all walls, new heating and air conditioning systems, new electrical, new fire alarm/sprinkler system and plumbing; and

WHEREAS, during the preparation of the construction documents by the Design-Build team, the electrical capacity needed for the building was increased significantly by the electrical demand required for the production studio spaces; and

WHEREAS, a large transformer vault building (32 feet long by 14 feet wide and 15 feet tall) is required to minimize the depth of new construction excavations in areas where historical artifacts had been discovered and CPS Energy also requires a backup electrical transformer be installed to avoid power interruption; and

WHEREAS, while construction excavations were taking place, the Texas Historical Commission undertook archaeological monitoring activities and identified historical artifacts from the Spanish

Colonial occupations dating to 1722-1821, and these findings required additional hand excavations which delayed completion of the excavation and the redesign of a new structural foundation, to minimize any impacts of the buried archaeological artifacts that were to remain undisturbed; and

WHEREAS, this is the second amendment for this contract and will increase the total contract amount in an amount not-to-exceed $1,400,000.00 for unforeseen historical conditions and associated construction modifications to rehabilitate the Plaza de Armas building; and

WHEREAS, this amendment provides for the additional design and construction costs associated with CPS Vault and electrical work, and

WHEREAS, this Ordinance also appropriates an additional $632,574.00 in Public Educations Government Funds and $272,942.00 in Unissued 2014 Self-Supporting Tax Notes and $494,484.00 in Facility Services Fund Balance funds to the Plaza De Armas Project; and

WHEREAS, due to a change in the Texas Local Government Code (i.e., consolidation of the Alternative Delivery Methods for Certain Projects is now Chapter 2269 of the Government Code), the Chapter is silent and there is no clear statutory guidance or prohibition regarding whether the universal and state wide statutory limitations including the 25% limitation, the requirement for City Council to approve or delegate its authority for any Amendment/Change Order amount for municipalities, counties, school districts, and all other State Agencies on Amendments/Change Orders to construction contracts applies to alternative delivery contracts.

WHEREAS, this Ordinance is requesting Council's approval of a City requested amendment that exceeds 25% of the original construction contract value due to unforeseen circumstances on this Project and it is in the best interest of the City and Council to accept this Amendment; and

WHEREAS, approval of this Ordinance will also be continuation of Council policy to complete previously approved Capital Improvement funded projects and ensure delivery of the Plaza de Armas Facility Improvements Project in a manner that is most advantageous to the City; **NOW THEREFORE,**

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

SECTION 1. The Design Build Agreement between the City of San Antonio and **Byrne Construction Services** is amended in the amount not to exceed $1,400,000.00 for additional engineering and construction services as a result of unforeseen historical conditions and other construction modifications to rehabilitate the historic Plaza de Armas Building.

SECTION 2. The following financial adjustments are hereby approved:

a) The amount of $632,574.00 is appropriated in SAP Fund 11001003, Public Education Government Channel Subfund, SAP Internal Order # 390000001495, SAP General Ledger 6102100 - Interfund Transfer out entitled Transfer to 40-00226-90-03. The amount of $632,574.00 is authorized to be transferred to SAP Fund 43099000.

b) The amount of $632,574.00 is appropriated in SAP Fund 43099000, Certificates Of Obligation Capital Projects, SAP Project Definition 40-00226, Plaza De Armas Building Improvements, shall be revised by increasing SAP WBS Element 40-00226-90-03 entitled Trf Fr I/O 390000001495, SAP General Ledger 6101100 - Interfund Transfer In, by the amount $632,574.00.

c) The amount of $494,484.00 is appropriated in SAP Fund 76001000, Facility Services Fund, SAP Internal Order # 390000001758, SAP General Ledger 6102100 - Interfund Transfer out entitled Transfer to 40-00226-90-14-02. The amount of $494,484.00 is authorized to be transferred to SAP Fund 43099000.

d) The amount of $494,484.00 is appropriated in SAP Fund 43099000, Certificates Of Obligation Capital Projects, SAP Project Definition 40-00226, Plaza De Armas Building Improvements, shall be revised by increasing SAP WBS Element 40-00226-90-14-02 entitled Trf Fr IO# 390000001758 (76001000), SAP General Ledger 6101100 - Interfund Transfer In, by the amount $494,484.00.

e) The budget in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 35-00023, DM - Park & Public Safety Retrofits, shall be revised by decreasing SAP WBS Element 35-00023-02-01 entitled Construction (FY 2014), SAP GL account 5201140, by the amount of $272,942.00.

f) The budget in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 35-00023, DM - Park & Public Safety Retrofits, shall be revised by decreasing SAP WBS element 35-00023-90-03-01 entitled Unissued 2014 Self-Supporting Tax Notes, SAP GL account 6101100, by the amount of $272,942.00.

g) The amount of $272,942.00 is appropriated in SAP Fund 43099000, Certificates Of Obligation Capital Projects, SAP Project Definition 40-00226, Plaza De Armas Building Improvements, shall be revised by increasing SAP WBS Element 40-00226-90-18-01 entitled Unissued 2014 Self-Supporting Tax Notes, SAP General Ledger 6101100 - Interfund Transfer In, by the amount $272,942.00.

h) The amount of $1,400,000.00 is appropriated in SAP Fund 43099000, Certificates Of Obligation Capital Projects, SAP Project Definition 40-00226, Plaza De Armas Building Improvements, SAP WBS Element 40-00226-05-02-01, SAP General Ledger 5201140 Construction Cost.

i) Payment in the amount not to exceed $1,400,000.00 in SAP Fund 43099000, Certificates Of Obligation Capital Projects, SAP Project Definition 40-00226, Plaza De Armas Building Improvements, is authorized to be encumbered and made payable to **Byrne Construction Services**, for construction services.

j) 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 3. 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 **20th** day of **March, 2014.**

M A Y O R
Julián Castro

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Robbie F. Greenblum, City Attorney

Agenda Item:	**5 (in consent vote: 5, 6, 7, 8, 9, 10, 11, 11A, 11B, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 25, 27, 31, 31A, 31B)**
Date:	03/20/2014
Time:	09:30:59 AM
Vote Type:	Motion to Approve
Description:	An Ordinance for the historic Plaza de Armas Building Project, an approved $11 million dollar Project, authorizing an amendment to a Design/Build Services Agreement with Byrne Construction Services, in the increased amount of $1,400,000.00, for additional engineering and construction services as a result of unforeseen historical conditions and other construction modifications; and, amending the FY 2014 - 2019 Capital Improvement Budget with the appropriation of an additional $632,574.00 in Public Education Government funds, $272,942.00 in Unissued 2014 Self-Supporting Tax Notes and $494,484.00 in Facility Services Fund Balance funds to the Plaza de Armas Project. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]
Result:	Passed

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