

AN ORDINANCE      2012-12-13-0976

**AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$201,846.00 TO THE CONSTRUCTION CONTRACT WITH PSE CONTRACTING, LLC AND AMENDING THE FY 2013-2018 CAPITAL IMPROVEMENT BUDGET WITH THE APPROPRIATION OF \$325,689.00 IN REIMBURSABLE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY NONPOINT SOURCE PROGRAM 319 GRANT (TCEQ 319 GRANT) FUNDS AND THE ALLOCATION OF \$20,000.00 IN STORM WATER OPERATING FUNDS TO THE MISSION DRIVE-IN SITE DEVELOPMENT PROJECT, AN AUTHORIZED U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM, STORM WATER OPERATING, AND TCEQ 319 GRANT FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 3; AND AUTHORIZING PAYMENT.**

\* \* \* \* \*

**WHEREAS**, by Ordinance No. 2012-02-16-0101, passed and approved on February 16, 2012, a construction contract was awarded to PSE Contracting, LLC for the performance of work in connection with the Mission Marquee Outdoor Plaza Project (the "Project"), located in Council District 3; and

**WHEREAS**, the original amount of the construction contract was \$1,414,000.00 and subsequent change orders increased the total amount of the contract to \$1,416,399.13; and

**WHEREAS**, in connection with said Project, there exists a need for construction of additional Low Impact Development (LID) Best Management Practice features, which include bioswales, rain gardens, and surface detention/infiltration basins as well as the purchase and installation of water quality monitoring stations; and

**WHEREAS**, Change Order No. CIMS-06 increases the total contract amount by \$201,846.00; **NOW THEREFORE:**

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

**SECTION 1.** Change Order No. CIMS-06 in the amount of \$201,846.00 to the contract with PSE Contracting, LLC for construction of additional Low Impact Development (LID) Best Management Practice features, which include bioswales, rain gardens, and surface detention/infiltration basins as well as the purchase and installation of water quality monitoring stations in connection with the Mission Drive-In Site Development Project (the "Project") is hereby approved. The City Manager, or in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager, the Director of the Capital Improvements Management Services Department, or any other representative designated by the City Manager is hereby authorized to execute Change Order No. CIMS-06 in connection with the Mission Drive-In Site Development Project. A copy of said Change Order is attached hereto and incorporated herein for all purposes as **Attachment I**.

**SECTION 2.** This Ordinance authorizes the appropriation of \$325,689.00 to be used for the Mission Drive-In Site Development Project. Funds are available in Internal Order Number 12300000346 – EPA 319 Grant for Old Mission Drive-In.

**SECTION 3.** The budget in Fund Number 43099000, Certificates of Obligation Capital Projects, Project Definition 40-00199, Site Development-Mission Drive-In Property, shall be revised by increasing WBS Element 40-00199-90-06, entitled “Transfer from I/O# 123000000346 (TECQ), GL Account Number 6101100 – Interfund Transfer In,” by the amount of \$325,689.00.

**SECTION 4.** The amount up to \$325,689.00 is appropriated in Fund Number 43099000, Certificates of Obligation Capital Projects, Project Definition 40-00199, Site Development-Mission Drive-In Property, WBS Element 40-00199-05-02-03, entitled “319 Grant Construction – Marquee Plaza, GL Account Number 5201140.”

**SECTION 5.** The amount of \$20,000.00 is appropriated in Fund Number 29070000, Storm Water Operating Funds, Internal Order Number 390000001133, GL Account Number 6102100 – Interfund Transfer Out, entitled “From 29070000 to 40-00199-90-03.” The amount of \$20,000.00 is authorized to be transferred to Fund Number 43099000.

**SECTION 6.** The budget in Fund Number 43099000, Certificates of Obligation Capital Projects, Project Definition 40-00199, Site Development-Mission Drive-In Property, shall be revised by increasing WBS Element 40-00199-90-03, entitled “Transfer from Internal Order Number 390000001133, GL Account Number 6101100 – Interfund Transfer In,” by the amount of \$20,000.00.

**SECTION 7.** The amount up to \$20,000.00 is appropriated in Fund Number 43099000, Certificates of Obligation Capital Projects, Project Definition 40-00199, Site Development-Mission Drive-In Property, WBS Element 40-00199-05-06, entitled “Project Contingency, GL Account Number 5201140.”

**SECTION 8.** Payment in the amount not to exceed \$201,846.00 in Fund Number 43099000, Certificates of Obligation Capital Projects, Project Definition 40-00199, Site Development-Mission Drive-In Property, is authorized to be encumbered with a purchase order and made payable to PSE Contracting, LLC., for construction services.

**SECTION 9.** 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 10.** This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

**PASSED AND APPROVED** this 13<sup>th</sup> day of December, 2012.



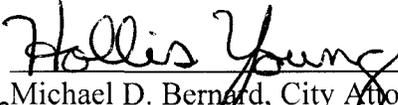
M A V O R  
Julián Castro

**ATTEST:**



\_\_\_\_\_  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**



\_\_\_\_\_  
for Michael D. Bernard, City Attorney



Request for  
**COUNCIL**  
 ACTION

City of San Antonio



## Agenda Voting Results - 12

<b>Name:</b>	10, 11, 12, 13, 15, 16, 17, 18A, 18B, 18C, 18D, 18E, 18F, 18G, 19A, 19B, 19C, 19D, 19E, 19F, 19G, 19H, 19I, 19J, 19K, 19L, 20, 21, 22, 24, 25A, 25B, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37A, 37B, 37C, 37D						
<b>Date:</b>	12/13/2012						
<b>Time:</b>	03:04:01 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance approving a change order in the increase amount not-to-exceed \$201,846.00 for a total contract amount of \$1,618,245.00 and authorizing payment to PSE Contracting, LLC, for construction of additional Low Impact Development Best Management Practice features for Mission Drive-In Site Development Project, an authorized Housing and Urban Development (HUD) 108 Loan Program, Storm Water Operating and Texas Commission on Environmental Quality (TCEQ) Nonpoint Source Program (319 Grant) funded project located in Council District 3; and, amending FY 2013 – 2018 Capital Improvement Budget with the appropriation of an additional \$325,689.00 in reimbursable TCEQ Nonpoint Source Program 319 Grant funds and the allocation of \$20,000.00 in Storm Water Operating funds to the Mission Drive-In Site Development project. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				x
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x			x	
Cris Medina	District 7	x					
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				

# ATTACHMENT I



## CITY OF SAN ANTONIO CAPITAL IMPROVEMENTS MANAGEMENT SERVICES



### Project Change Review Form – Vertical Projects

Project Name: Mission Marquee Plaza  
Project Number: 40-00234  
Date: December 6, 2012  
Total Changes: **Not to exceed - \$ 201,846.00**

#### Amendment/Change/Task Order Description

(Include CIMS Change Order Number): **CIMS-06;**

Funding (double-click to check)

Tentative Calendar Days Added: 180

- Additional Design Services    Project Allowances    Contractor Contingency  
 Construction Contingency Credit    As approved by Ordinance -

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**REVIEW NARRATIVE and JUSTIFICATION:** (For each item please describe: Why the change was necessary, How did you agree on price, and How did you reach the option presented)

**Summary:** The owner requested the General Contractor (PSE Contracting, LLC) add additional Low Impact Development Best Management Practice features to the Mission Property on Roosevelt Avenue in compliance with the 319 Grant. The guaranteed maximum cost of the work is **\$201,846.00** The work will be reviewed by the CIMS PM and the Design Consultant prior to execution of the change order. A tentative number of 180 additional Calendar Days are requested for this work. The actual number of days will be reviewed at the time of submission of the proposal from the contractor.

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- Unforeseen Conditions    Errors/Omissions    Owner Requested

- A. Item 01: The owner has requested that the contractor install Low Impact Development Best Management Practice features at the Mission Marquee Plaza Site and surrounding area. This work is to include but not limited to: additional bioswales, rain gardens, rainwater harvesting, above ground and underground storm water detention tanks as well as the purchase and installation of water quality monitoring stations. The maximum (not to exceed) cost of the work is **\$201,846.00** The pricing will be reviewed upon receipt of the Proposal from PSE Contracting, LLC and approved by the CIMS PM and design consultant.

**Total maximum cost of Change Order 06 is \$201,846.00**

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**A tentative number of 180 calendar days are requested for this change but the actual number of additional days will be reviewed at the time of receipt of pricing from the contractor.**