

AN ORDINANCE 2008-10-09-0902

APPROVING CHANGE ORDER NO. 08 IN THE AMOUNT OF \$26,135.65 TO A \$3,790,343.12 CONTRACT WITH VALEMAS, INC., OF WHICH \$20,908.52 WILL BE REIMBURSED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR A TOTAL PROJECT AMOUNT OF \$5,184,000.00 FOR THE RECONSTRUCTION OF A 2-LANE ROADWAY IN CONNECTION WITH THE CLARK AVENUE- FAIR TO SOUTHCROSS PROJECT, AN AUTHORIZED U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) 108 FUNDED AND LOCAL AGENCY MANAGED (LAM) PROJECT, LOCATED IN COUNCIL DISTRICT 3; AND PROVIDING FOR PAYMENT.

* * * * *

WHEREAS, by Ordinance No. 2007-02-15-0161, passed and approved on February 2, 2007, a construction contract was awarded to Valemas, Inc. for the performance of work in connection with the Clark Avenue- Fair to Southcross Project (the "Project") located in Council District 3; and

WHEREAS, the original amount of the construction contract was \$3,790,343.12 and subsequent change orders increased the total amount of the contract to \$3,827,443.70; and

WHEREAS, in connection with said Project, there exists a need for Change Order No. CIMS-08 for the reconstruction of the existing 2-lane roadway to include a center turn lane and bicycle lane, construction of new curbs, sidewalks, driveway approaches, and an underground storm drain; and

WHEREAS, Change Order No. 8 increases the total contract amount by \$26,135.65; **NOW THEREFORE:**

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

SECTION 1. Change Order no. 8 in the amount of \$26,135.65 to the contract with Valemas, Inc. for the reconstruction of the existing 2-lane roadway to include a center turn lane and bicycle lane and construction of new curbs, sidewalks, driveway approaches, and an underground storm drain in connection with the Clark Avenue- Fair to Southcross Project (the "Project") is hereby approved. The City Manager or, in her stead, a Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Director of the Capital Improvements Management Services Department is hereby authorized to execute Change Order No. CIMS-08 which is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. Funds are authorized to be received from the Texas Department of Transportation, to Fund Number 45099000, Project Definition 23-00858, Clark (Fair to Southcross), and shall be revised by increasing WBS element 23-00858-90-09, entitled TxDOT Contribution, GL Account Number 4502280 – Contribution from Other Agencies, by the amount of \$20,908.52.

SECTION 3. The budget in Fund Number 45099000, General Obligation Capital Projects, Project Definition 23-00858, Clark (Fair to Southcross), shall be revised by decreasing WBS Element 23-00858-05-06 entitled Project Contingency, GL Account Number 5201140, by the amount of \$5,227.13.

SECTION 4. The budget in Fund Number 45099000, General Obligation Capital Projects, Project Definition 23-00858, Clark (Fair to Southcross), shall be revised by increasing WBS Element 23-00858-05-02-01-01 entitled Construction - City Costs, GL Account Number 5201140, by the amount of \$5,227.13.

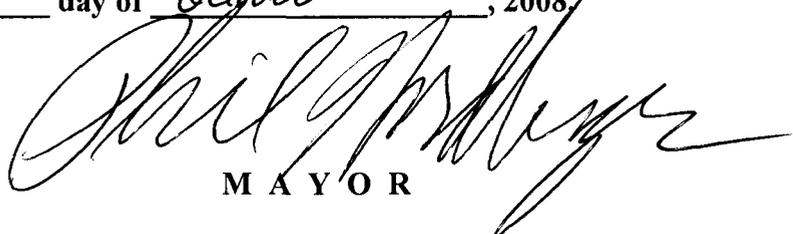
SECTION 5. The budget in Fund Number 45099000, General Obligation Capital Projects, Project Definition 23-00858, Clark (Fair to Southcross), shall be revised by increasing WBS Element 23-00858-05-02-01-02 entitled Construction - TxDOT Costs, GL Account Number 5201140, by the amount of \$20,908.52.

SECTION 6. The amount of \$26,135.65 is authorized to be paid from Fund Number 45099000, General Obligation Capital Projects, Project Definition 23-00858, Clark (Fair to Southcross), and to be made payable to Valemas, Inc. for construction services.

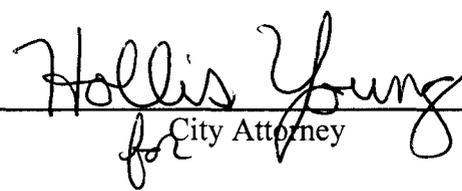
SECTION 7. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager, or the City Manager's designee, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, 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 become effective on and after the 19th day of October, 2008.

PASSED AND APPROVED this 9th day of October, 2008.


MAYOR

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio

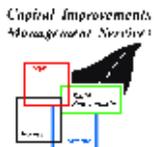
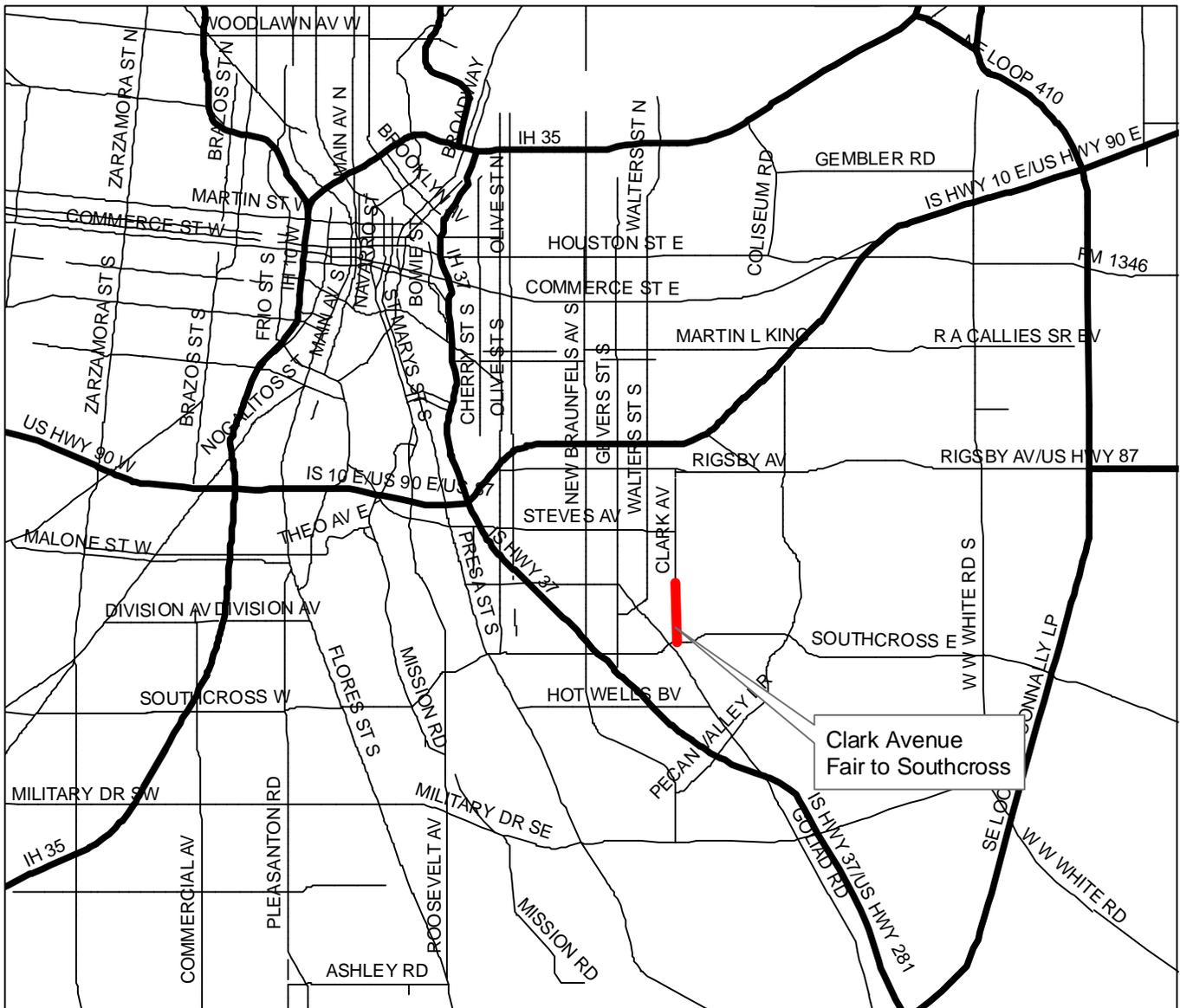
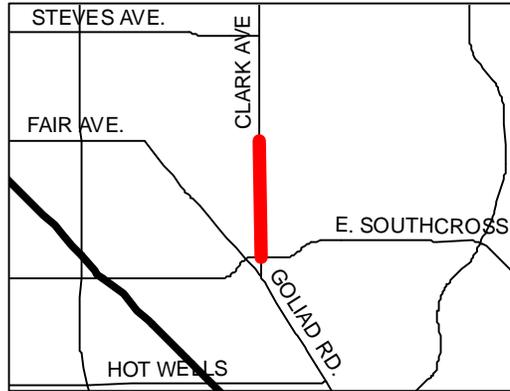


Agenda Voting Results - 11

Name:	6, 7, 8, 11, 12, 13, 14, 15A, 15D, 16, 17, 19, 20, 21, 22, 23, 24, 25A, 25B, 26, 28B, 28C, 29
Date:	10/09/2008
Time:	02:51:49 PM
Vote Type:	Motion to Approve
Description:	An Ordinance approving Change Order No. CIMS-08 in the amount of \$26,135.65 to a \$3,790,343.12 contract with Valemas, Inc., for the reconstruction of a 2-lane roadway in connection with the Clark Avenue - Fair to Southcross Project, an authorized U.S. Department of Housing and Urban Development (HUD) 108 funded and Local Agency Managed (LAM) project, located in Council District 3. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]
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				
Diane G. Cibrian	District 8		x				x
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				

Clark Avenue: Fair to Southcross



ATTACHMENT I

**CITY OF SAN ANTONIO
PUBLIC WORKS DEPARTMENT
CONSTRUCTION CHANGE ORDER - HORIZONTAL PROJECT**

Form PW-15A
Rev. 2 1/2007
(Submit 2 Originals)
8/5/08 10:58

Date Prepared: 3/26/2008 Change Order Title: CIMS-08 Ty E Curb & Ty F Handrail Project No. 23-00858

Project Name: Const - Clark/Fair to Southcross

Project Name as shown on the Work Project Authorization

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.)

Title : Clark Ave - Fair to Southcross LAM Project

Number : 4600005681

CIMS-08 Ty E Curb & Ty F Handrail

1. Install approximately 80 LF of Type E curb
2. Install approximately 80 LF of Type F handrail
3. Include asphalt behind Type E curb and adjoining business driveway
4. As part of the LAM Program, this change order will include a 20% City reimbursement and an 80% Federal reimbursement

Justification for Proposed Alteration (Describe in detail why this work is to be added or deleted. Use attachments if necessary):

The Type E curb is being modified to include additional steel which is needed for the structural integrity of the curb. The Type F rail is required for safety at the business.

Change Order will result in change to Contract Cost as: \$26,136.65

Change Order will result in change to Contract Days as: Working Days Calendar Days # Days 0
(To be negotiated by the Contractor and the City.)

REQUESTED BY:			
<u>City, Consulting Engineer/Architect, Other (Please Specify)</u>	<u>Date</u>	<u>Contractor</u>	<u>Date</u>
		<u>Title:</u>	
		<u>Firm: Valemis, Inc</u>	
RECOMMENDED BY:			
<u>Consultant (Project Engineer/Architect Only)</u>	<u>Date</u>	<u>Others:</u>	
<u>Firm:</u>		<u>(If required; i.e., City Dept., S.A.W.S., etc.)</u>	
<u>COSA Project Manager</u>	<u>Date</u>	<u>Assistant City Engineer</u>	<u>Date</u>
<u>COSA Capital Programs Manager</u>	<u>Date</u>		
APPROVED BY:			
<u>City Engineer</u>	<u>Date</u>	<u>Director of Public Works (If over \$25,000)</u>	<u>Date</u>

----- **FOR CITY USE ONLY** -----

Ordinance Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Change Order \$25,000 (+ or -)	<input type="checkbox"/> Additional funds required: <u>\$0.00</u>
WBS Element: _____		Contingency WBS Element: _____
		Project Contingency Original Balance: <u>\$0.00</u>
Original Contract Amount: <u>\$3,790,343.12</u>		Previous Approved COs: <u>\$0.00</u>
Previous Approved COs: <u>\$0.00</u>		This Change Order: <u>\$0.00</u>
This Change Order: <u>\$0.00</u>		Total: <u>\$0.00</u>
Total: <u>\$3,790,343.12</u>		Balance: <u>\$0.00</u>

Function #: _____ Ordinance #: _____ Ordinance Date: _____

Purchase Requisition #: _____ Contract #: 4600005681 Purchase Order #: _____

Fiscal Remarks: _____

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 (2) originals with supporting documents.

City of San Antonio

PO Box 839966
San Antonio, TX 78205

Phone: 210-207-6342

TITLE: CIMS-08 Ty E Curb & Ty F Handrail

DATE: 3/26/2008

PROJECT: Const - Clark/Fair to Southcross

JOB:

TO: Attn: Ray Ramirez
Valemas, Inc

CONTRACT NO: 4600005681

RE:	To:	From:	Number:
DESCRIPTION OF CHANGE			

Title : Clark Ave - Fair to Southcross LAM Project
Number : 4600005681

CIMS-08 Ty E Curb & Ty F Handrail

1. Install approximately 80 LF of Type E curb
2. Install approximately 80 LF of Type F handrail
3. Include asphalt behind Type E curb and adjoining business driveway
4. As part of the LAM Program, this change order will include a 20% City reimbursement and an 80% Federal reimbursement

Item	Description	Quantity	Units	Unit Price	Net Amount
00001	Type F Handrail	80.000	LF	\$144.00	\$11,520.00
00002	Type E Curb Mod	80.000	LF	\$70.00	\$5,600.00
00003	Flowable Fill	18.000	CY	\$100.00	\$1,800.00
00004	Weep Hole Mod	1.000	LS	\$150.00	\$150.00
00005	Asphalt Patch	800.000	SF	\$5.00	\$4,000.00
00006	Profit & Overhead - 10% of Subtotal	1.000	LS	\$2,305.00	\$2,305.00
00007	Insurance & Bond - 3% of Subtotal	1.000	LS	\$760.65	\$760.65
00008		0		\$0.00	\$0.00
Total Cost					\$26,135.65

The Original Contract Sum was	\$3,790,343.12
Net Change by Previously Authorized Requests and Changes	\$0.00
The Contract Sum Prior to This Change Order was	\$3,790,343.12
The Contract Sum Will be Increased	\$0.00
The New Contract Sum Including This Change Order	\$3,790,343.12
The Contract Time Will Not Be Changed	

David Lopez (CIMS)

From: David Lopez (CIMS)
Sent: Tuesday, August 05, 2008 10:42 AM
To: David Lopez (CIMS)
Subject: FW: Clark CIMS #08 Change Order Pricing

-----Original Message-----

From: Billy Cooper [mailto:billy23@satx.rr.com]
Sent: Wednesday, July 16, 2008 12:44 PM
To: Ruben Guerrero; David Lopez (CIMS); 'David Pulido'
Cc: 'Ray Ramirez'; DREED6@SATX.RR.COM; lrpayne3@yahoo.com
Subject: Clark CIMS #08 Change Order Pricing

The total for the COR is as follows:

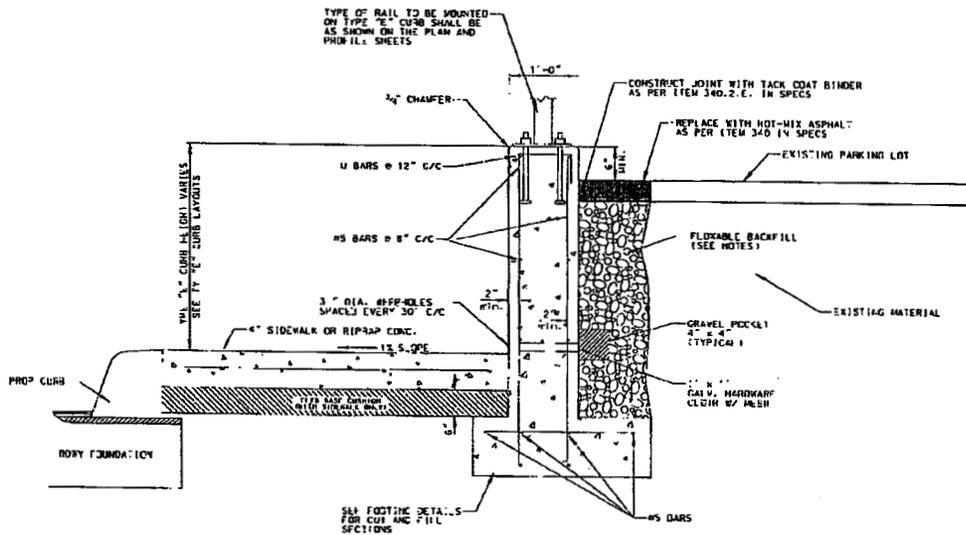
Type F Handrail	80 LF X \$144.00 / LF =	\$11,520.00
Type E Curb Mod	80 LF X \$70.00 / LF =	\$5,600.00
Flowable Fill	18CY X \$100.00 / CY =	\$1,800.00
Weep Hole Mod	1 LS X \$150.00 =	\$150.00
Asphalt Patch	800 SF X \$5.00 / SF =	<u>\$4,000.00</u>
Subtotal		\$23,050.00
10% Profit / OH		<u>\$2,305.00</u>
Subtotal		\$25,355.00
3%/B		<u>\$760.65</u>
Total		\$26,135.65

Call me with any questions.

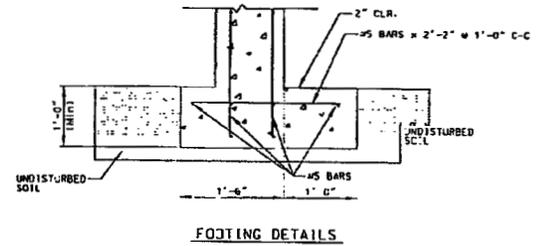
Thank you,

Billy Cooper
Valemas
210-315-9038

8/5/2008



TY L CURB DETAILS
(FAIR AVE)



NOTES:

PAYMENT FOR TYPE "E" CURB SHALL BE BY THE FOOT AS MEASURED ALONG THE TOP OF THE CURB.

CLASS A CONCRETE SHALL BE USED TO CONSTRUCT THE "E" CURB.

EXPANSION JOINT SPACING FOR TYPE "E" CURB SHALL NOT EXCEED 66 FEET UNLESS OTHERWISE DIRECTED BY THE ENGINEER.

CONCRETE SIDEWALKS OR RIPRAP ADJACENT TO TYPE "E" CURB SHALL BE PAID FOR SEPARATELY.

ALL OTHER MATERIALS AND INCIDENTALS IN ORDER TO CONSTRUCT THE "E" CURB AND SUBORDINARY.

CONTRACTOR SHALL PROVIDE POSITIVE MEANS SO THAT FURNISHED FILL DOES NOT SETTLE OR KEEP MOLES DURING CONSTRUCTION AND SHALL CLEAN OUT KEEP HOLES AT COMPLETION OF WALL.

ADJUST PLACEMENT OF ALL BARS TO ACCOMMODATE OBSTRUCTIONS



DAVID M. PULKOS

3/13/2008

N.T.S.

1051 CLARK AVE.

CHANGE ORDER NO 2
MISC ROADWAY
DETAILS

SHEET 4C OF 5

CITY OF SAN ANTONIO
DEPARTMENT OF PUBLIC WORKS

Texas Department of Transportation	
CIVIL ENGINEERING CONSULTANTS	
PROJECT NO.	STATE PROJECT NO.
5	SFP 391291 JHM 1124A
SHEET NO.	COUNTY
11	BEZAR
DATE	ISSUE NO.
0915	2 354 CLARK AVE.

**CITY OF SAN ANTONIO
PUBLIC WORKS DEPARTMENT
CONSTRUCTION CHANGE ORDER - HORIZONTAL PROJECT**

Form PW-15A
Rev. 2 1/2007
(Submit 2 Originals)
8/5/08 10:58

Date Prepared: 3/26/2008 Change Order Title: CIMS-08 Ty E Curb & Ty F Handrail Project No. 23-00858

Project Name: Const - Clark/Fair to Southcross

Project Name as shown on the Work Project Authorization

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.)

Title : Clark Ave - Fair to Southcross LAM Project
Number : 4600005681
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Change Order will result in change to Contract Cost as: \$26,135.65

Change Order will result in change to Contract Days as: Working Days Calendar Days # Days 0
(To be negotiated by the Contractor and the City.)

REQUESTED BY:			
<hr/>	<hr/>	<hr/>	<hr/>
City, Consulting Engineer/Architect, Other (Please Specify)	Date	Contractor	Date
		Title:	
		Firm: Valemas, Inc	
RECOMMENDED BY:			
<hr/>	<hr/>	<hr/>	<hr/>
Consultant (Project Engineer/Architect Only)	Date	Others:	
Firm:		(If required; i.e., City Dept., S.A.W.S., etc.)	
<hr/>	<hr/>	<hr/>	<hr/>
COSA Project Manager	Date	Assistant City Engineer	Date
<hr/>	<hr/>	<hr/>	<hr/>
COSA Capital Programs Manager	Date		
APPROVED BY:			
<hr/>	<hr/>	<hr/>	<hr/>
City Engineer	Date	Director of Public Works (If over \$25,000)	Date

FOR CITY USE ONLY

Ordinance Required: Yes No Change Order \$25,000 (+ or -) Additional funds required: \$0.00
WBS Element: _____ Contingency WBS Element: _____
Project Contingency Original Balance: \$0.00

Original Contract Amount: \$3,790,343.12 Previous Approved COs: \$0.00
Previous Approved COs: \$0.00 This Change Order: \$0.00
This Change Order: \$0.00 Total: \$0.00
Total: \$3,790,343.12 Balance: \$0.00

Fund #: _____ Ordinance #: _____ Ordinance Date: _____

Purchase Requisition #: _____ Contract #: 4600005681 Purchase Order #: _____

Fiscal Remarks: _____

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City of San Antonio

PO Box 839966
San Antonio, TX 78205

Phone: 210-207-6342

TITLE: CIMS-08 Ty E Curb & Ty F Handrail

DATE: 3/26/2008

PROJECT: Const - Clark/Fair to Southcross

JOB:

TO: Attn: Ray Ramirez
Valemas, Inc

CONTRACT NO: 4600005681

RE:

To:

From:

Number:

DESCRIPTION OF CHANGE

Title : Clark Ave - Fair to Southcross LAM Project

Number : 4600005681

CIMS-08 Ty E Curb & Ty F Handrail

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00007	Insurance & Bond - 3% of Subtotal	1.000	LS	\$760.65	\$760.65
00008		0		\$0.00	\$0.00
				Total Cost	\$26,135.65

The Original Contract Sum was	\$3,790,343.12
Net Change by Previously Authorized Requests and Changes	\$0.00
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The New Contract Sum Including This Change Order	\$3,790,343.12
The Contract Time Will Not Be Changed	

David Lopez (CIMS)

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The total for the COR is as follows:

Type F Handrail	80 LF X \$144.00 / LF =	\$11,520.00
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Subtotal		\$23,050.00
10% Profit / OH		\$2,305.00
Subtotal		\$25,355.00
3%/B		\$760.65
Total		\$26,135.65

Call me with any questions.

Thank you,

Billy Cooper
Valemas
210-315-9038



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # 11
Council Meeting Date: 10/9/2008
RFCA Tracking No: R-3730

DEPARTMENT: Capital Improvements
Management Services

DEPARTMENT HEAD: Mike Frisbie

COUNCIL DISTRICT(S) IMPACTED:
Council District 3

SUBJECT:
Clark Avenue - Change Order No. CIMS-08 (Owner Requested)

SUMMARY:

An ordinance approving Change Order No. CIMS-08, an owner-requested change order, in the amount of \$26,135.65, authorizing payment to Valemas, Inc. in connection with the Clark Avenue - Fair to Southcross project, an authorized Local Agency Managed (LAM) and U.S. Department of Housing and Urban Development (HUD) 108 Loan Program funded project, located in Council District 3. Of the total authorization amount, \$20,908.52 will be reimbursed by the Texas Department of Transportation (TxDOT). This item represents \$26,135.65 of a total estimated project cost of \$5,184,000.00.

BACKGROUND INFORMATION:

Project Background

This project will provide for the reconstruction of the existing 2-lane roadway to include a center turn lane and bicycle lanes. This project will also include the construction of new curbs, sidewalks, driveway approaches, and an underground storm drain. In addition, Lyric Avenue, a cross street off of Clark Avenue, will receive a storm drain outfall, mill and overlay treatment.

Previous Metropolitan Planning Organization Projects were administered by TxDOT. With the advent of the Local Agency Management Program (LAM), the City is now responsible for managing these projects. The Clark Avenue: Fair to Southcross is the first street project to be awarded under LAM.

Project construction began in March 2007 and is estimated to be completed by November 2008.

This change order provides for two improvements. It will allow a handrail to be installed as a precautionary measure. In addition, it will allow the construction of a retaining wall to address the street grading. The current standard curb height was found not to be a sufficient height differential.

Previous Council Action

A previously executed contract with Valemas, Inc. for the Clark Avenue - Fair to Southcross project in the amount of \$3,790,343.12 was approved by City Council on February 2, 2007 through ordinance number 2007-02-15-0161. Subsequent change orders have increased this contract by \$37,100.58 to a total of \$3,827,443.70. This change order will increase the contract by \$26,135.65 to a contract amount of \$3,853,579.35.

Item	Amount
Original Contract Value	\$3,790,343.12
Previously Authorized Change Orders	\$37,100.58
Proposed Change Order CIMS-08	\$26,135.65
Revised Contract Value	\$3,853,579.35

This change order is an owner-requested change order. 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.

ISSUE:

Approval of the ordinance will be a continuation of City Council policy to complete previously approved Local Agency Managed, 1999 General Obligation Street Improvement Bond and HUD 108 Loan Program funded projects. This ordinance allows for the installation of a retaining wall against the backfill. The drop from the top of the retaining wall to the street is large and poses a safety risk to pedestrians and motorists which is why this change order also calls for the installation of handrail.

ALTERNATIVES:

An alternative to approving this change order would be for City Council to reject the change order. However, not approving this change order would cause project delays and potential safety risks to the community. The work in the change order is necessary to allow the installation of a retaining wall. The railing will provide additional safety for pedestrians and motorists. Approving the change order is the most efficient method to ensuring the project is not delayed further.

FISCAL IMPACT:

This is a one-time capital improvement expenditure in the amount of \$26,135.65 payable to Valemas, Inc. for construction services. Funds in the amount of \$5,227.13 are available from project contingency and funds in the amount of \$20,908.52 are available from TxDOT LAM funds.

RECOMMENDATION:

Staff recommends approving Change Order No. CIMS-08 in connection with the Clark Avenue - Fair to Southcross project which allows for a retaining wall necessary to accomodate the street grading and handrail necessary for safety precaution. This construction contract was originally

developed utilizing the formal competitive bid process; therefore, the Discretionary Contracts Disclosures Form is not required.

ATTACHMENT(S):

File Description	File Name
Change Order	ClarkAve_Valemas_CIMS-08.pdf
Project Location Map	Council RFCA Project Map 10-09-2008.pdf
Voting Results	
Ordinance/Supplemental Documents	200810090902.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Debbie Sittre Assistant Director Capital Improvements Management Services

APPROVED FOR COUNCIL CONSIDERATION:

Penny Postoak Ferguson Assistant City Manager