FLM: gg
03/12/2015
Item No. 10.

AN ORDINANCE 2015-03-12-0182

ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT NOT TO EXCEED $9,556,267.60 TO CAPITAL EXCAVATION, FOR THE CONSTRUCTION OF THE E. COMMERCE STREET BRIDGE AND THE E. COMMERCE (N. RIO GRANDE TO E. HOUSTON STREET) STREET IMPROVEMENTS PROJECT, BOTH 2012-2017 GENERAL OBLIGATION BOND FUNDED PROJECTS, LOCATED IN COUNCIL DISTRICT 2, OF THIS AMOUNT $2,872,787.70 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEMS (SAWS) AND $174,605.20 WILL BE REIMBURSED BY CPS ENERGY, AND AUTHORIZING PAYMENT OF A MONETARY INCENTIVE IN AN AMOUNT NOT TO EXCEED $300,000.00 FOR THE EARLY COMPLETION OF THIS PROJECT.

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WHEREAS, the City-Wide Bridge Project is a $23.4 million, 2012 - 2017 Bond program funded Project intended to replace City owned bridge structures rated as deficient, either due to compromised structural integrity, insufficient drainage capacity, or inadequate traffic provisions, or a combination; and

WHEREAS, the Transportation and Capital Improvement department initiated a bridge selection process to create a short-list of recommended bridges which entailed an evaluation of the 2011 Texas Department of Transportation (TxDOT) San Antonio District Off-System Bridge list and TxDOT's National Bridge Inventory to help identify bridges with the greatest potential for improvement; and

WHEREAS, based on the evaluation of these lists, the E. Commerce Street Bridge was selected due its aged structure and pedestrian/bicycle access needed improvements; and

WHEREAS, this Project replaces the bridge structure at Salado Creek, provides for a installation of a new pedestrian link from the roadway to the Salado Creek Greenway Trail and upgrades to SAWS and CPS existing utility systems within the project limits; and

WHEREAS, the E. Commerce (N. Rio Grande to E. Houston Street) Street Improvements Project is also a 2012-2017 Bond funded project which authorized $7,455,000.00 for improving approximately 1.5 miles of the East Commerce roadway, sidewalks, curbs, driveway approaches and drainage as appropriate between Rio Grande to Houston Street. Of the authorized amount, $3,455,261.20 of the authorized amount will be used for construction; and

WHEREAS, the balance of the Project funds approved shall be used for design services, environmental services, advertising, property acquisition and project management; and

WHEREAS, both projects will run concurrently and during a portion of the construction phase, the E. Commerce Street Bridge will be closed to accommodate the bridge construction and when the bridge is closed to traffic, a detour plan will be in place to accommodate pedestrian and vehicular traffic; and

WHEREAS, this Ordinance accepts the lowest responsive bid submitted by **Capital Excavation** in the amount not to exceed $9,556,267.60 for the construction E. Commerce Street Bridge over Salado Creek and the E. Commerce Street (N. Rio Grande to E. Houston Street) Improvements Projects related to the City-wide Bridge Program, and

WHEREAS, of the total contract amount, the City will be reimbursed $2,872,787.70 by San Antonio Water Systems and $174,605.20 will be reimbursed by CPS Energy for their work; and

WHEREAS, to limit the inconvenience to area residences and businesses, payment of a monetary incentive is authorized in an amount not to exceed $300,000.00 is included in this contract on the condition that **Capital Excavation** completes construction and re-opens the E. Commerce Street Bridge not later than the 210th calendar day after notice to proceed; and

WHEREAS, to limit the inconvenience to area residences and businesses, payment of a monetary incentive is authorized in this contract of $4,000.00 less each day after the 210th calendar day after notice to proceed, on the condition that **Capital Excavation** completes construction and re-opens the E. Commerce Street Bridge between the 211th and 270th calendar day after notice to proceed; and

WHEREAS, to limit the inconvenience to area residents and businesses, payment of a monetary incentive is authorized in this contract of $1,000.00 less each day after the 270th calendar day after notice to proceed, on the condition that **Capital Excavation** completes construction and re-opens the E. Commerce Bridge between the 271st and 330th calendar day after notice to proceed; **NOW THEREFORE,**

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

SECTION 1. The lowest responsive bid of **Capital Excavation** in the amount not to exceed $9,556,267.60 for the construction E. Commerce Street Bridge over Salado Creek and the E. Commerce Street (N. Rio Grande to E. Houston Street) Improvements Projects related to the Citywide Bridge Program 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 **Capital Excavation.**

SECTION 3. Payment of a monetary incentive not to exceed $300,000.00 is authorized in accordance with the contract and may be paid to **Capital Excavation** on the condition that Capital Excavation completes construction and re-opens the E. Commerce Bridge not later than the 210th calendar day after notice to proceed.

SECTION 4. Payment of a monetary incentive to Capital Excavation of a monetary incentive is authorized in this contract of $4,000.00 less each day after the 210th calendar day after notice to proceed, on the condition that Capital Excavation completes construction and re-opens the E. Commerce Bridge between the 211th and 270th calendar day after notice to proceed.

SECTION 5. Payment of a monetary incentive to Capital Excavation of a monetary incentive is authorized in this contract of $1,000.00 less each day after the 270th calendar day after notice to proceed, on the condition that Capital Excavation completes construction and re-opens the E. Commerce Bridge between the 271st and 330th calendar day after notice to proceed.

SECTION 6. The following financial adjustments are hereby approved:

a) Funds are authorized to be received from SAWS to SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00294, Citywide Bridge Program, and the budget shall be revised by increasing WBS element 40-00294-90-08, SAWS Contribution and SAP General Ledger 4502280, Contribution from other Agencies, in the amount of $152,814.85.

b) The amount of $152,814.85 is appropriated in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00294, Citywide Bridge Program, SAP WBS Element 40-00294-05-02-04-01, SAWS Water - E. Commerce Bridge and SAP General Ledger 5201245.

c) Funds are authorized to be received from SAWS to SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00302, E. Commerce (N. Rio Grande to E. Houston), and the budget shall be revised by increasing WBS element 40-00302-90-08, SAWS Contribution and SAP General Ledger 4502280, Contribution from other Agencies, in the amount of $2,719.972.85.

d) The amount of $1,500,840.35 is appropriated in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00302, E. Commerce (N. Rio Grande to E. Houston), SAP WBS Element 40-00302-05-02-03, Construction-SAWS Sewer and SAP General Ledger 5201245.

e) The amount of $1,219,132.50 is appropriated in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00302, E. Commerce (N. Rio Grande to E. Houston), SAP WBS Element 40-00302-05-02-04, Construction-SAWS Water and SAP General Ledger 5201245.

f) Funds are authorized to be received from CPS Energy to SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00302, E. Commerce (N. Rio Grande to E. Houston), and the budget shall be revised by increasing WBS element 40-00302-90-09, CPS Contribution and SAP General Ledger 4502280, Contribution from other Agencies, in the amount of $174,605.20.

g) The amount of $174,605.20 is appropriated in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00302, E. Commerce (N. Rio Grande to E. Houston), SAP WBS Element 40-00302-05-02-06, Construction-CPS Gas and SAP General Ledger 5201245.

h) Payment in the amount not to exceed $3,506,428.35 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00294, Citywide Bridge Program, is authorized to be encumbered and made payable to **Capital Excavation**, for construction services.

i) Payment in the amount not to exceed $6,349,839.25 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00302, E. Commerce (N. Rio Grande to E. Houston), is authorized to be encumbered and made payable to **Capital Excavation**, 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 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 8. 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 **12th** day of **March, 2015.**

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:	**10 (in consent vote: 7, 8, 9, 10, 11, 12, 14, 17, 18B, 19A, 19B, 20, 21, 22, 24, 25, 26, 28, 30, 31)**
Date:	03/12/2015
Time:	10:06:53 AM
Vote Type:	Motion to Approve
Description:	An Ordinance for the construction of the East Commerce Street Bridge and the East Commerce (North Rio Grande to East Houston Street) Street Improvements Project, both 2012-2017 General Obligation Bond funded projects, located in Council District 2, accepting the lowest responsive bid and awarding a construction contract to Capital Excavation, in the amount of $9,556,267.60, of which $2,872,787.70 will be reimbursed by San Antonio Water Systems (SAWS) and $174,605.20 will be reimbursed by CPS Energy, and authorizes a payment of up to $300,000 for project acceleration costs associated with additional overhead and overtime. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportations & Capital Improvements]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Trevino	District 1		x				x
Alan Warrick	District 2		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				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x			x	