

AN ORDINANCE **97867**

ACCEPTING THE LOW, QUALIFIED, RESPONSIVE BID OF E-Z BEL CONSTRUCTION, LTD. IN THE AMOUNT OF \$434,376.95 IN CONNECTION WITH THE FLEMING – GERALD TO NEW LAREDO HWY., GERALD – FLEMING TO NEW LAREDO HWY., AND LOVETT – OREGON TO FLEMING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECTS, LOCATED IN COUNCIL DISTRICT 4; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$39,539.20 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$27,677.44 FOR EXPENSE RECOVERY; AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM (SAWS) IN THE AMOUNT OF \$38,985.00 FOR SEWER AND WATER EXPENSES FOR A TOTAL AMOUNT OF \$501,593.59; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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WHEREAS, the City Council has approved the Fleming - Gerald to New Laredo Hwy., Gerald - Fleming to New Laredo Hwy., and Lovett - Oregon to Fleming Projects as part of the Community Development Block Grant (CDBG) Program; and

WHEREAS, in connection with the Fleming – Gerald to New Laredo Hwy. Project, there exists a need for reconstruction of 330 feet of Fleming from New Laredo Hwy. to Gerald to provide for a 30-foot, two-lane street section with sidewalks, curbs, driveway approaches, and underground drainage; and

WHEREAS, in connection with the Gerald – Fleming to New Laredo Hwy. Project, there exists a need to provide for reconstruction of Gerald from Fleming to Gifford to provide for a 30-foot, two-lane street section and Gerald from Gifford to New Laredo Hwy. to provide for a 26-foot, two-lane street section with four-foot sidewalks, curbs, and driveway approaches; and

WHEREAS, in connection with the Lovett – Oregon to Fleming Project, there exists a need to provide for reconstruction of 620 feet of Lovett Street from Fleming to Oregon to provide for a 30-foot, two-lane street section with sidewalks, curbs, driveway approaches, and underground drainage; and

WHEREAS, in order to commence performance of such work, it is necessary to accept the low, qualified, responsive bid of E-Z Bel Construction, Ltd.; **NOW THEREFORE:**

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

SECTION 1. The low, qualified, responsive bid of E-Z Bel Construction, Ltd. in the amount of \$434,376.95 for the above-described reconstruction work in connection with the Fleming - Gerald to New Laredo Hwy., Gerald - Fleming to New Laredo Hwy., and Lovett - Oregon to Fleming Community Development Block Grant (CDBG) Projects are hereby accepted. The City Manager or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Director of Public Works is hereby authorized to execute a standard form public works construction contracts for the jobs. A copy of the contractor's bid is affixed hereto and incorporated herein as Attachment I.

SECTION 2. All other bids received on these Projects are rejected upon the occurrence of either the execution of a contract by the low qualified bidder and deposit of all required bonds and insurance certificates, or the expiration of sixty (60) days from the date of this Ordinance.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 4. The budget of Fund No. 26-013535 is authorized to be revised as set out in the detailed budget affixed hereto and incorporated herein for all purposes as Attachment II.

SECTION 5. The following sums are hereby authorized for encumbrance in and payment from Fund No. 26-013535:

\$434,376.95	for construction expenses payable to E-Z Bel Construction, Ltd., Index No. 733972;
\$ 39,539.20	for miscellaneous construction contingency expenses, Index No. 733980; and
\$ 27,677.44	for expense recovery, Index No. 733998.

SECTION 6. The City hereby acknowledges and accepts the commitment of the San Antonio Water System (SAWS) to pay for the cost of sewer and water work as necessitated in connection with the performance of this project, and for the cost of any additional work which may be required. SAWS shall make payment to the City for the costs set forth in Attachment II, such cost totaling \$38,985.00. For any additional work which may be required, SAWS has manifested their intent to pay their portion. The City is hereby authorized to collect from SAWS payment for any additional costs of such nature and the project budget is hereby authorized to be revised to so reflect. SAWS shall provide a copy of its resolution to City's Department of Public Works upon approval of this project. The Director of Public Works is hereby authorized to bill SAWS for the cost of sewer and water work as necessitated in connection with the performance of this project and for any cost overruns required to complete the aforesaid SAWS sewer and water works construction. Collections from SAWS shall be forwarded to the Director of Finance and

deposited in the Fund No. 26-013535. The budget of Fund No. 26-013535 is hereby authorized to be supplemented in the amount of the sum required to complete the cost of sewer and water work as necessitated in connection with the performance of this Project, if such additional work is required, and the construction contract herein awarded amended in accordance with the City's field alteration procedure, administratively or by ordinance as applicable.

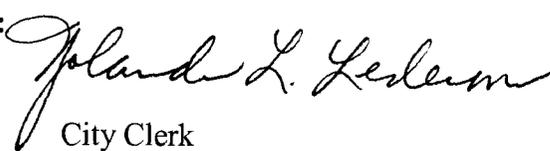
SECTION 7. This Ordinance shall become effective on and after the tenth (10th) day after passage hereof.

PASSED AND APPROVED this 26th day of June, 2003.



M A Y O R

EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney