

AN ORDINANCE 100535

ACCEPTING THE LOW, RESPONSIVE BID OF E-Z BEL CONSTRUCTION, LTD. (MBE) IN THE AMOUNT OF \$1,551,911.88 IN CONNECTION WITH THE 2003-2007 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND AND 29<sup>TH</sup> YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED CARDIFF AREA DRAINAGE IMPROVEMENTS/HONEY: COMMERCE TO ARANSAS PROJECT, LOCATED IN COUNCIL DISTRICT 2; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$111,305.96 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$77,914.17 FOR EXPENSE RECOVERY; AUTHORIZING \$1,000.00 FOR ADVERTISING EXPENSES; AMENDING THE PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING FUNDS IN AN AMOUNT NOT TO EXCEED \$8,259.22 PAYABLE TO BROWN ENGINEERING, CO. (SBE) FOR CONSTRUCTION PHASE SERVICES; AUTHORIZING \$825.92 FOR ENGINEERING CONTINGENCY EXPENSES; AUTHORIZING THE REIMBURSEMENT FROM THE SAN ANTONIO WATER SYSTEM (SAWS) IN THE AMOUNT OF \$385,854.80 FOR SEWER AND WATER EXPENSES; AUTHORIZING THE REIMBURSEMENT FROM CITY PUBLIC SERVICE (CPS) OF \$52,997.50, FOR A TOTAL AMOUNT OF \$1,751,217.15; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

\* \* \* \* \*

**WHEREAS**, the City Council has approved the Cardiff Area Drainage Improvements/Honey: Commerce to Aransas Project as part of the Community Development Block Grant (CDBG) Program and the 2003-2007 General Obligation Drainage Improvement Bond Program for Council District 2; and

**WHEREAS**, funds for such construction Project exist from 29<sup>th</sup> Year Community Development Block Grant (CDBG) funds and the 2003-2007 General Obligation Drainage Improvement Bond; and

**WHEREAS**, in connection with said Project, there exists a need for construction of a storm sewer outfall along Aransas Avenue from I.H.-10 to Honey Boulevard, to include a street overlay, and for the reconstruction of Honey Boulevard from Commerce to Aransas to a 30-foot street width, to include concrete curbs, sidewalks, wheelchair ramps, driveway approaches and drainage improvements; and

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

**WHEREAS**, by Ordinance 81037, passed November 3, 1994, a professional services contract was awarded to Brown Engineering, Co. for engineering services in connection with the Cardiff Area Drainage Improvements/Honey: Commerce to Aransas Community Development Block Grant (CDBG) Project; and

**WHEREAS**, in order to proceed with said Project, additional engineering services are required; and

**WHEREAS**, performance of such additional engineering services will necessitate payment of additional fees to Brown Engineering, Co.; **NOW THEREFORE**:

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

**SECTION 1.** The low, responsive bid of E-Z Bel Construction, Ltd. in the amount of \$1,551,911.88 for performance of the above-described work in connection with the Community Development Block Grant (CDBG) and the 2003-2007 General Obligation Drainage Improvement Bond Program funded Cardiff Area Drainage Improvements/Honey: Commerce to Aransas Project is hereby accepted. The Interim City Manager or, in his stead, either an Assistant City Manager, an Assistant to the City Manager, an Executive Director, or the Director of Public Works is hereby authorized to execute a standard form public works construction contract for the job. A copy of the contractor's bid is affixed hereto and incorporated herein as Attachment I.

**SECTION 2.** All other bids received on this Project are rejected upon the occurrence of either the execution of a contract by the low responsive 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 amount of \$1,112,364.85 is appropriated in SAP fund 45802000, 2003 General Obligation Drainage Bonds, SAP GL Account 6102100 - Interfund Transfers Out, entitled Transfer to 23-00165. The amount of \$1,112,364.85 is authorized to be transferred from SAP fund 45802000 to SAP fund 45099000.

**SECTION 4.** The budget in SAP fund 45099000, 2003 General Obligation Drainage Bonds, Project Definition 23-00165 Cardiff Area Drainage Improvements and Honey Blvd. - Aransas to Commerce Project, shall be revised by increasing WBS Element 23-00165-90-06, entitled "TRF FR 45-802003, SAP GL Account 6101100 - Interfund Transfers In, by the amount of \$1,112,364.85.

**SECTION 5.** Funds in the amount of \$200,000.00 are appropriated in the CDBG 29<sup>th</sup> Year Program Budget, Fund 28029000, to be transferred to Fund 45099000, Project 23-00165, entitled "Cardiff Area Drainage Improvements and Honey Blvd. - Aransas to Commerce", CP2300165000, WBS element # 23-00165-90-05, entitled "Transfer from 28029000".

**SECTION 6.** Budgeted revenues in the amount of \$385,854.80 are authorized to be established in Fund 45099000 Drainage Bonds, Project Definition 23-00165 Cardiff Area Drainage Improvements & Honey Blvd. - Aransas to Commerce Project. General Ledger account

4404100, WBS 23-00165-90-01 entitled "contribution from SAWS", is to be increased upon reimbursement of the project.

**SECTION 7.** Budgeted revenues in the amount of \$52,997.50 are authorized to be established in Fund 45099000 Drainage Bonds, Project Definition 23-00165 Cardiff Area Drainage Improvements & Honey Blvd. – Aransas to Commerce Project. General Ledger account 4404100, WBS 23-00165-90-02 entitled "contribution from CPS", is to be increased upon reimbursement of the project.

**SECTION 8.** The amount of \$ 1,113,059.58 is appropriated in SAP fund 45099000, General Obligation Bonds, SAP Project definition 23-00165 Cardiff Area Drainage Improvements & Honey Blvd. – Aransas to Commerce Project, General Ledger Account 5201140, WBS Element 23-00165-05-02-01, entitled "City Construction Cost", and is authorized to be encumbered and made payable to E-Z Bel Construction, Ltd., in connection with the Cardiff Area Drainage Improvements & Honey Blvd. – Aransas to Commerce Project.

**SECTION 9.** The amount of \$ 75,602.50 is appropriated in SAP fund 45099000, General Obligation Bonds, SAP Project definition 23-00165 Cardiff Area Drainage Improvements & Honey Blvd. – Aransas to Commerce Project, General Ledger Account 5201140, WBS Element 23-00165-05-02-02-01, entitled "SAWS Construction Sewer", and is authorized to be encumbered and made payable to E-Z Bel Construction, Ltd., in connection with the Cardiff Area Drainage Improvements & Honey Blvd. – Aransas to Commerce Project.

**SECTION 10.** The amount of \$ 310,252.30 is appropriated in SAP fund 45099000, General Obligation Bonds, SAP Project definition 23-00165 Cardiff Area Drainage Improvements & Honey Blvd. – Aransas to Commerce Project, General Ledger Account 5201140, WBS Element 23-00165-05-02-02-02, entitled "SAWS Construction Water", and is authorized to be encumbered and made payable to E-Z Bel Construction, Ltd., in connection with the Cardiff Area Drainage Improvements & Honey Blvd. – Aransas to Commerce Project.

**SECTION 11.** The amount of \$ 52,997.50 is appropriated in SAP fund 45099000, General Obligation Bonds, SAP Project definition 23-00165 Cardiff Area Drainage Improvements & Honey Blvd. – Aransas to Commerce Project, General Ledger Account 5201140, WBS Element 23-00165-05-02-03, entitled "CPS Gas", and is authorized to be encumbered and made payable to E-Z Bel Construction, Ltd., in connection with the Cardiff Area Drainage Improvements & Honey Blvd. – Aransas to Commerce Project.

**SECTION 12.** The amount of \$ 111,305.96 is appropriated in SAP fund 45099000, General Obligation Bonds, SAP Project definition 23-00165 Cardiff Area Drainage Improvements & Honey Blvd. – Aransas to Commerce Project, General Ledger Account 5201140, WBS Element 23-00165-05-03, entitled "Construction Contingency", and is authorized to be encumbered for miscellaneous construction contingency, in connection with the Cardiff Area Drainage Improvements & Honey Blvd. – Aransas to Commerce Project.

**SECTION 13.** The amount of \$ 1,000.00 is appropriated in SAP fund 45099000, General Obligation Bonds, SAP Project definition 23-00165 Cardiff Area Drainage Improvements &

Honey Blvd. – Aransas to Commerce Project, General Ledger Account 5201140, WBS Element 23-00165-05-01, entitled “Advertise”, and is authorized to be encumbered for advertising expenses, in connection with the Cardiff Area Drainage Improvements & Honey Blvd. – Aransas to Commerce Project.

**SECTION 14.** The amount of \$ 77,914.17 is appropriated in SAP fund 45099000, General Obligation Bonds, SAP Project definition 23-00165 Cardiff Area Drainage Improvements & Honey Blvd. – Aransas to Commerce Project, General Ledger Account 5402010, WBS Element 23-00165-05-04, entitled “Construction Capital Admin Charges” and is authorized to be encumbered for expense recovery, in connection with the Cardiff Area Drainage Improvements & Honey Blvd. – Aransas to Commerce Project.

**SECTION 15.** The amount of \$ 8,259.22 is appropriated in SAP fund 45099000, General Obligation Bonds, SAP Project definition 23-00165 Cardiff Area Drainage Improvements & Honey Blvd. – Aransas to Commerce Project, General Ledger Account 5201170, WBS Element 23-00165-01-02, entitled “Design Cost” and is authorized to be encumbered and made payable to Brown Engineering, Co. in connection with the Cardiff Area Drainage Improvements & Honey Blvd. – Aransas to Commerce Project.

**SECTION 16.** The amount of \$ 825.92 is appropriated in SAP fund 45099000, General Obligation Bonds, SAP Project definition 23-00165 Cardiff Area Drainage Improvements & Honey Blvd. – Aransas to Commerce Project, General Ledger Account 5201170, WBS Element 23-00165-01-03, entitled “Design Cost” and is authorized to be encumbered for engineering contingency in connection with the Cardiff Area Drainage Improvements & Honey Blvd.- Aransas to Commerce Project.

**SECTION 17.** The professional services contract with Brown Engineering, Co. authorized by Ordinance No. 81037 and approved on November 3, 1994, is hereby authorized to be amended to reflect the additional services and costs therefor.

**SECTION 18.** The budget of the 2003-2007 General Obligation Drainage Improvement Bond is authorized to be revised as set out in the budget schedule affixed hereto and incorporated herein for all purposes as Attachment II.

**SECTION 19.** The budget of the 29<sup>th</sup> Year Community Development Block Grant fund is authorized to be revised as set out in the budget schedule affixed hereto and incorporated herein for all purposes as Attachment II.

**SECTION 20.** The City hereby acknowledges and accepts the commitment of the San Antonio Water System (SAWS) to pay for the costs of sewer and water work as necessitated in connection with the performance of this project, and for the costs of any additional work which may be required. SAWS shall make payment to the City for the costs set forth in Attachment II, such costs totaling \$385,854.80. For any additional work which may be required, SAWS has manifested its 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 costs of sewer and water work costs and for any cost overruns required to complete the aforesaid SAWS water works construction. Collections from SAWS shall be forwarded to the Director of Finance and deposited in the Project Definition 23-00165. The budget of Project Definition 23-00165 is hereby authorized to be supplemented in the amount of the sum required to complete the SAWS facility and line replacements, relocations and/or adjustments, 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 21.** The City hereby acknowledges and accepts the commitment of City Public Service (CPS) to pay for the costs of replacing its gas lines as necessitated in connection with the performance of this project. CPS shall make payment to the City for costs set forth in Attachment II, such costs totaling \$52,997.50. The Director of Public Works is hereby authorized to bill CPS for gas line replacement. Collections from CPS shall be forwarded to the Director of Finance and deposited in Project Definition 23-00165. The budget of Project Definition 23-00165 is hereby authorized to be supplemented in the amount of the sum required to complete the CPS gas line replacement, if such additional work is required, the construction contract herein awarded amended in accordance with the City's field alteration procedure, administratively or by ordinance as applicable.

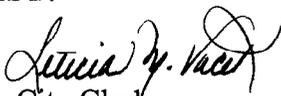
**SECTION 22.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the Interim City Manager, as applicable, or the City Manager or Interim City Manager's designee, 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 23.** This ordinance shall be effective on and after the twentieth (20th) day of March, 2005.

**PASSED AND APPROVED** this 10<sup>th</sup> day of March, 2005.

  
M A Y O R  
EDWARD D. GARZA

**ATTEST:**

  
City Clerk

**APPROVED AS TO FORM:**   
City Attorney

# Agenda Voting Results

**Name:** 14.  
**Date:** 03/10/05  
**Time:** 01:35:51 PM  
**Vote Type:** Multiple selection

**Description:** An Ordinance accepting the low, responsive bid of E-Z Bel Construction, Ltd. (MBE) in the amount of \$1,551,911.88 in connection with the 2003-2007 General Obligation Drainage Improvement Bond and 29th Year Community Development Block Grant (CDBG) funded Cardiff Area Drainage Improvements/Honey: Commerce to Aransas Project, located in Council District 2; authorizing the execution of a construction contract; authorizing \$111,305.96 for miscellaneous construction contingency expenses; authorizing \$77,914.17 for expense recovery; authorizing \$1,000.00 for advertising expenses; amending the professional services contract and authorizing funds in an amount not to exceed \$8,259.22 payable to Brown Engineering, Co. (SBE) for construction phase services; authorizing \$825.92 for engineering contingency expenses; authorizing the reimbursement from the San Antonio Water System (SAWS) in the amount of \$385,854.80 for sewer and water expenses; authorizing the reimbursement from City Public Service (CPS) of \$52,997.50, for a total amount of \$1,751,217.15; appropriating funds; revising the project budget; and providing for payment. [Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
JOEL WILLIAMS	DISTRICT 2		x		
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		