

AN ORDINANCE 101237

ACCEPTING THE LOW, RESPONSIVE BID OF R.L. JONES, L.P. IN THE AMOUNT OF \$1,849,175.60 IN CONNECTION WITH THE 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED DURANGO – SAN MARCOS TO TRINITY PROJECT, LOCATED IN COUNCIL DISTRICT 5; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$114,943.16 FOR PROJECT CONTINGENCY EXPENSES; AUTHORIZING \$88,506.23 FOR CAPITAL ADMINISTRATION COSTS; AUTHORIZING \$2,000.00 FOR ADVERTISING EXPENSES; AUTHORIZING REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM (SAWS) IN THE AMOUNT OF \$375,734.00 FOR SEWER AND WATER EXPENSES; AUTHORIZING REIMBURSEMENT FROM CITY PUBLIC SERVICE (CPS) IN THE AMOUNT OF \$324,010.00, FOR A TOTAL AMOUNT OF \$2,054,624.99; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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**WHEREAS**, the City Council has approved the Durango – San Marcos to Trinity Project (the “Project”) as part of the Community Development Block Grant (CDBG) Program and the 2003-2007 General Obligation Street Improvement Bond Program for Council District 5; and

**WHEREAS**, funds for such construction Project exist from CDBG funds and the 2003-2007 General Obligation Street Improvement Bonds; and

**WHEREAS**, the Project consists of reconstruction of Durango from San Marcos to Trinity to include curbs, driveways, sidewalks, new signalization, a widened section from Brazos to Trinity, reconstruction on the south of Durango from San Marcos to Brazos, a student drop off lane, and the replacement of existing water, sewer and gas mains; and

**WHEREAS**, in order to commence performance of such work, it is necessary to accept the low, responsive bid of R.L. Jones, L.P.; **NOW THEREFORE**:

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

**SECTION 1.** The low, responsive bid of R.L. Jones, L.P. in the amount of \$1,849,175.60 for performance of the above-described work in connection with the Community Development Block Grant (CDBG) and the 2003-2007 General Obligation Street Improvement Bond Program funded Durango – San Marcos to Trinity Project is hereby accepted. The City Manager or, in his stead, an Assistant City Manager, an Assistant to the City Manager or the Director of the Public Works Department 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.** Community Development Block Grant (CDBG) funds in the amount of \$1,257,880.99 are hereby authorized to be appropriated and allocated for the street reconstruction in connection with Durango – San Marcos to Trinity as allocated in the Fiscal Impact attachment, which is affixed hereto and incorporated herein as Attachment II.

**SECTION 4.** Funding in the amount of \$2,054,624.99 for Project No. 23-00801 entitled “Durango – San Marcos to Trinity” shall be encumbered and made payable, upon purchase order, to R.L. Jones, L.P. as follows:

City Construction, WBS Element 23-00801-05-02-01, GL Account #5201140 entitled “Construction Costs” in the amount of \$1,149,431.60; and

SAWS Sewer Construction, WBS Element 23-00801-05-02-02-01, GL Account #5201140 entitled “Construction Costs” in the amount of \$178,992.00; and

SAWS Water Construction, WBS Element 23-00801-05-02-02-02, GL Account #5201140 entitled “Construction Costs” in the amount of \$196,742.00; and

CPS Gas Construction, WBS Element 23-00801-05-02-03, GL Account #5201140 entitled “Construction Costs” in the amount of \$324,010.00; and

Construction Contingency, WBS Element 23-00801-05-03, GL Account #5201140 entitled “Construction Costs” in the amount of \$114,943.16; and

Construction Capital Administration Costs, WBS Element 23-00801-05-04, GL Account #5402010 entitled “Capital Program Administration Costs” in the amount of \$88,506.23; and

Advertisement, WBS Element 23-00801-05-01, GL Account #5201150 entitled “Advertising Expenses” in the amount of \$2,000.00.

**SECTION 5.** Funds appropriated in the amount \$13,267.57 in Project Definition 23-01001, entitled “School Zone Flasher (Crockett, Ruiz, DeZavala),” WBS Element 23-01001-05-02-05, GL Account #5201140, Construction Costs are to be transferred to Project Definition 23-00801, entitled “Durango – San Marcos to Trinity,” WBS Element 23-00801-05-02-01, City Construction, GL Account #5201140, Construction Costs.

**SECTION 6.** Funds appropriated in the amount \$52,293.00 in Project Definition 23-00803, entitled "Givens – 200 to 500 Blk," WBS Element 23-00803-05-02-05, GL Account #5201140, Construction Costs are to be transferred to Project Definition 23-00801, entitled "Durango – San Marcos to Trinity," WBS Element 23-00801-05-02-01, City Construction, GL Account #5201140, Construction Costs.

**SECTION 7.** Funds appropriated in the amount \$25,220.57 in Project Definition 23-00802, entitled "Fay Avenue Phase I," WBS Element 23-00802-05-02-05, GL Account #5201140, Construction Costs are to be transferred to Project Definition 23-00801, entitled "Durango – San Marcos to Trinity," WBS Element 23-00801-05-02-01, City Construction, GL Account #5201140, Construction Costs.

**SECTION 8.** Funds appropriated in the amount \$10,003.68 in Internal Order 190000000615, entitled "Transfers CDBG 28<sup>th</sup> Year District 5-Public Works and Drainage," are to be transferred to Project Definition 23-00801, entitled "Durango – San Marcos to Trinity," WBS Element 23-00801-05-02-01, City Construction, GL Account #5201140, Construction Costs.

**SECTION 9.** Funds appropriated in the amount \$78,639.07 in Internal Order 190000000594, entitled "Transfers CDBG 27<sup>th</sup> Year District 5 – Public Works and Drainage," are to be transferred to Project Definition 23-00801, entitled "Durango – San Marcos to Trinity," WBS Element 23-00801-05-02-01, City Construction, GL Account #5201140, Construction Costs.

**SECTION 10.** Funds are to be appropriated in the amount of \$114,483.71 in Project Definition 23-00801 entitled "Durango – San Marcos to Trinity," in WBS Element 23-00801-05-02-01, City Construction, GL Account #5201140, Construction Costs from the 31<sup>st</sup> Year CDBG Grant in October 2005.

**SECTION 11.** Funds appropriated in the amount of \$750.00 in Project Definition 23-01048, entitled "Grand Alley Street San Marcos to Vera Cruz," WBS Element 23-01048-05-01, GL Account #5201150, Advertising Expenses are to be transferred to Project Definition 23-00801, entitled "Durango – San Marcos to Trinity," WBS Element 23-00801-05-01, Advertisement, GL Account #5201150, Advertising Expenses.

**SECTION 12.** Funds appropriated in the amount of \$1,180.88 in Project Definition 23-01048, entitled "Grand Alley Street San Marcos to Vera Cruz," WBS Element 23-01048-01-02, GL Account #5201170, Engineering Expenses are to be transferred to Project Definition 23-00801, entitled "Durango – San Marcos to Trinity," WBS Element 23-00801-05-01, Advertisement, GL Account #5201150, Advertising Expenses.

**SECTION 13.** Funds appropriated in the amount of \$69.12 in Project Definition 23-00802, entitled "Fay Avenue Phase I," WBS Element 23-00802-05-01, GL Account #5201150, Advertising Expenses are to be transferred to Project Definition 23-00801, entitled "Durango – San Marcos to Trinity," WBS Element 23-00801-05-01, Advertisement, GL Account #5201150, Advertising Expenses.

**SECTION 14.** Funds appropriated in the amount of \$2,933.10 in Project Definition 23-01048, entitled "Grand Alley Street San Marcos to Vera Cruz," WBS Element 23-01048-01-02, GL Account #5201170, Engineering Expenses are to be transferred to Project Definition 23-00801, entitled "Durango – San Marcos to Trinity," WBS Element 23-00801-05-03, Construction Contingency, GL Account #5201140, Construction Costs.

**SECTION 15.** Funds are to be appropriated in the amount of \$15,010.06 in Project Definition 23-00801 entitled "Durango – San Marcos to Trinity," in WBS Element 23-00801-05-03, Construction Contingency, GL Account #5201140, Construction Costs from the 31<sup>st</sup> Year CDBG Grant in October 2005.

**SECTION 16.** Funds are to be appropriated in the amount of \$88,506.23 in Project Definition 23-00801 entitled "Durango – San Marcos to Trinity," in WBS Element 23-00801-05-04, Construction Capital Administration Costs, GL Account #5402010, Capital Program Administration Costs from the 31<sup>st</sup> Year CDBG Grant in October 2005.

**SECTION 17.** Funds in the amount of \$178,992.00 are to be budgeted and made available from San Antonio Water System (SAWS) to Project Definition 23-00801, entitled "Durango – San Marcos to Trinity," WBS Element 23-00801-05-02-02-01, SAWS Sewer Construction, GL Account #5201140, Construction Costs.

**SECTION 18.** Funds in the amount of \$196,742.00 are to be budgeted and made available from San Antonio Water System (SAWS) to Project Definition 23-00801, entitled "Durango – San Marcos to Trinity," WBS Element 23-00801-05-02-02-02, SAWS Water Construction, GL Account #5201140, Construction Costs.

**SECTION 19.** Funds in the amount of \$324,010.00 are to be budgeted and made available from City Public Service (CPS) to Project Definition 23-00801, entitled "Durango – San Marcos to Trinity," WBS Element 23-00801-05-02-03, CPS Gas Construction, GL Account #5201140, Construction Costs.

**SECTION 20.** Funds will be transferred from CDBG Grant funding based on expenditures incurred for services rendered in connection with Project Definition 23-00801, entitled "Durango – San Marcos to Trinity."

**SECTION 21.** 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 costs totaling \$375,734.00. For any additional work which may be required, SAWS has manifested its intent to pay its 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 the 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 Project No. 23-00801. The budget of Project No. 23-00801 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 22.** The City hereby acknowledges and accepts the commitment of City Public Service (CPS) to pay for the cost 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 \$324,010.00. 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 No. 23-00801. The budget of Project No. 23-00801 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, and the construction contract herein awarded amended in accordance with the City's field alteration procedure, administratively, or by ordinance, as applicable.

**SECTION 23.** 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 Fund Numbers, Project Definitions, Internal Orders, WBS Elements and GL Account Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 24.** This Ordinance shall become effective on and after the 28<sup>th</sup> day of August, 2005.

**PASSED AND APPROVED** this 18<sup>th</sup> day of August, 2005.



M A Y O R

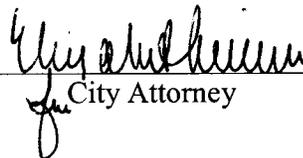
**PHIL HARDBERGER**

**ATTEST:**



**ASSISTANT City Clerk**

**APPROVED AS TO FORM:**



City Attorney