

AN ORDINANCE **101711**

**ACCEPTING THE LOW, RESPONSIVE BID OF RESTEK, INC., AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$264,500.00 IN CONNECTION WITH THE SOUTH ST MARY'S STREET RAILROAD UNDERPASS AND SAN ANTONIO RIVER REPAIRS PROJECT LOCATED IN COUNCIL DISTRICT 5; AUTHORIZING \$26,450.00 FOR MISCELLANEOUS PROJECT CONTINGENCY EXPENSES; AUTHORIZING \$2,000.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT; AND AUTHORIZING THE EXECUTION OF A FUNDING AGREEMENT WITH UNION PACIFIC RAILROAD (UPRR) PROVIDING THAT UPRR WILL FUND ALL COSTS ASSOCIATED WITH THE SOUTH ST MARY'S STREET RAILROAD UNDERPASS AND SAN ANTONIO RIVER REPAIRS PROJECT AND ACCEPTING PAYMENT.**

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**WHEREAS**, bids were submitted in connection with the South St Mary's Street Railroad Underpass And San Antonio River Repairs Project to be located in Council District 5; and

**WHEREAS**, this ordinance accepts the low bid submitted by Restek, Inc. in the amount of \$264,500.00 for the South St Mary's Street Railroad Underpass And San Antonio River Repairs Project, \$26,450.00 for miscellaneous project contingency expenses, \$2,000.00 for advertising expenses; and

**WHEREAS**, said project consists of the repair of retaining walls, guardrails, and additional architectural features for the South St. Mary's Street railroad underpass and the abatement wall at the San Antonio River; and

**WHEREAS**, these repairs are necessary due to damage caused by a Union Pacific Railroad (UPRR) derailment along St Mary's Street and The San Antonio River that occurred on May 3, 2004; and

**WHEREAS**, the City will facilitate the repairs on the project and UPRR has agreed to reimburse the City for the costs of all repairs in connection to the aforementioned project; and

**WHEREAS**, approval of this ordinance will be a continuation of City Council policy to complete neighborhood improvements to ensure pedestrian and traffic safety, **NOW THEREFORE;**

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

**SECTION 1.** The low, responsive bid of Restek, Inc. in the amount of \$264,500.00 in connection with the South St Mary's Street Railroad Underpass and San Antonio River Repairs Project 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 sixty days from the effective date hereof, whichever occurs first. A copy of the proposal is attached hereto as **Attachment I.** The amount of \$26,450.00 for miscellaneous project contingency expenses and \$2,000.00 for advertising expenses is hereby authorized.

**SECTION 2.** The City Manager, or her designee, is hereby authorized to execute a standard form contract covering said project, a copy which is in substantially the same form as **Attachment II**, is incorporated herein for all purposes. The proposed agreement must be executed within 45 days of signing of this Ordinance; otherwise, the agreement must be considered through a subsequent ordinance. Should an agreement be negotiated which substantially varies from the terms of the attached (**Attachment II**), the agreement must be considered through a subsequent ordinance.

**SECTION 3.** The City Manager, or her designee, is hereby authorized to execute a standard form agreement with UPRR for reimbursement to the City for the costs of all repairs in connection with said project, a copy which is in substantially the same form as **Attachment III**, is incorporated herein for all purposes.

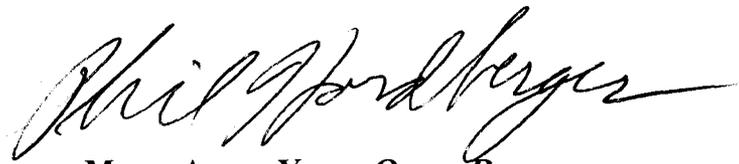
**SECTION 4.** The following financial adjustments are hereby approved:

- a. The amount of \$264,500.00 is appropriated in Fund 45099000, Project Definition 23-00482, South St. Mary's Streets Railroad Underpass and SA River Repairs, WBS element 23-00482-05-02-01, entitled Construction, and is authorized to be encumbered and made payable to Restek, Inc.
- b. The amount of \$26,450.00 is appropriated in Fund 45099000, Project Definition 23-00482, South St. Mary's Streets Railroad Underpass and SA River Repairs, WBS element 23-00482-05-03, and is authorized to be encumbered and made payable for construction contingencies.

**SECTION 5.** 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 6.** This ordinance shall take effect on the 27th day of November, 2005.

**PASSED AND APPROVED** this 17th day of November, 2005.



M A Y O R

PHIL HARDBERGER

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney