

AN ORDINANCE 2006-03-16-0336

ACCEPTING THE LOWEST RESPONSIVE BID AND AUTHORIZING A CONSTRUCTION CONTRACT WITH E-Z BEL CONSTRUCTION IN CONNECTION WITH THE OLYMPIA DRAINAGE AREA PHASE I PROJECT LOCATED IN DISTRICT 1; AND APPROPRIATING A TOTAL AMOUNT OF \$2,598,833.40, OF WHICH \$385,073.48 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM, FROM 2003-2007 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND, 2003 STORM WATER REVENUE BOND, AND CERTIFICATES OF OBLIGATION FUNDS.

* * * * *

WHEREAS, bids were submitted in connection with the Olympia Drainage Area Phase I Project located in District 1; and

WHEREAS, this Ordinance accepts the lowest responsive bid submitted by **E-Z Bel Construction, Ltd.** in the amount of \$2,264,223.80 for the Olympia Drainage Area Phase I Project; and

WHEREAS, this Project provides for reconstruction of the existing underground drainage system along Warner and Olympia, from Mariposa to Alhambra to include curbs, sidewalks, driveways and inlets; and

WHEREAS, this Ordinance also authorizes \$187,915.03 for project contingency, \$144,694.57 for capital administration cost, and \$2,000.00 for advertising expenses; and

WHEREAS, San Antonio Water System will reimburse the City \$385,073.48 of the cost for relocation/replacement of their sanitary sewer and water facilities associated with this Project; and

WHEREAS, approval of this Ordinance will be a continuation of City Council policy to complete previously approved 2003-2007 General Obligation Drainage Improvement Bond Projects, **NOW THEREFORE**;

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

SECTION 1. The lowest responsive bid of **E-Z Bel Construction, Ltd.** in the amount of \$2,264,223.80 in connection with the Olympia Drainage Area Phase I 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 ninety (90) days from the effective date hereof, whichever occurs first.

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 I** is incorporated herein for all purposes.

SECTION 3. The following financial adjustments are hereby approved:

- a) The amount of \$436,000.00 is appropriated in fund 43162000, 2002 Drain Improvement, WBS CO-00028-01-01-10 GL account 6102100 – Interfund Transfer out entitled Transfer to 23-00158-90-01. The amount of \$436,000.00 is authorized to be transferred to fund 45099000.

The budget in fund 45099000, Project Definition 23-00158 Olympia Drainage Area Phase I, shall be revised by increasing WBS element 23-00158-90-01 entitled Trf Fr CO-00028-01-01-10, GL account 6101100 – Interfund Transfer In, by the amount of \$436,000.00.

- b) The amount of \$1,271,000.00 is appropriated in fund 45802000, 2003 Drainage Bonds, WBS GO-00045-01-01-17 GL account 6102100 – Interfund Transfer out entitled Transfer to 23-00158-90-03. The amount of \$1,271,000.00 is authorized to be transferred to fund 45099000.

The budget in fund 45099000, Project Definition 23-00158 Olympia Drainage Area Phase I, shall be revised by increasing WBS element 23-00158-90-03 entitled Trf Fr GO-00045-01-01-17, GL account 6101100 – Interfund Transfer In, by the amount of \$1,271,000.00.

- c) The amount of \$246,000.00 is appropriated in fund 43902013, 2006 C/O Drainage Improvements, WBS CO-20069-01-01-03 GL account 6102100 – Interfund Transfer out entitled Transfer to 23-00158-90-02. The amount of \$246,000.00 is authorized to be transferred to fund 45099000.

The budget in fund 45099000, Project Definition 23-00158 Olympia Drainage Area Phase I, shall be revised by increasing WBS element 23-00158-90-02 entitled Trf Fr CO-20069-01-01-03, GL account 6101100 – Interfund Transfer In, by the amount of \$246,000.00.

- d) The amount of \$260,759.92 is appropriated in fund 48001000, Municipal Drainage Utility System, WBS RB-00077-01-01-30 GL account 6102100 – Interfund Transfer out entitled Transfer to 23-00158-90-05. The amount of \$260,759.92 is authorized to be transferred to fund 45099000.

The budget in fund 45099000, Project Definition 23-00158 Olympia Drainage Area Phase I, shall be revised by increasing WBS element 23-00158-90-05 entitled Trf Fr RB-00077-01-01-30, GL account 6101100 – Interfund Transfer In, by the amount of \$260,759.92.

- e) Funds are authorized to be received from SAWS, to fund 45099000, Project Definition 23-00158, Olympia Drainage Area Phase I, shall be revised by increasing WBS element 23-00129-90-06, entitled SAWS Reimbursement, SAP GL Account 4502280 – Contribution from other Agencies, by the amount of \$385,073.48.

- f) The amount of \$1,879,150.32 is appropriated in Fund 45099000, General Obligation Capital Projects, Project Definition 23-00158, Olympia Drainage Area Phase I, WBS element 23-00158-05-02-01, entitled City Construction, is authorized to be encumbered and made payable to **E-Z Bel Construction, Ltd.**

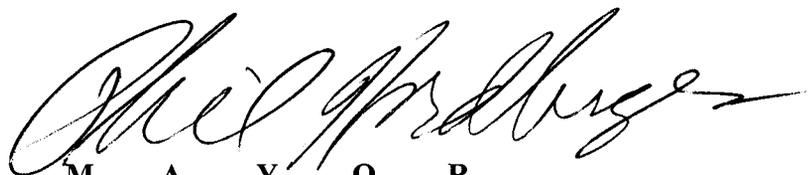
- g) The amount of \$211,981.48 is appropriated in Fund 45099000, General Obligation Capital Projects, Project Definition 23-00158, Olympia Drainage Area Phase I, WBS element 23-00158-05-02-02-01, entitled SAWS Sewer Construction, is authorized to be encumbered and made payable to **E-Z Bel Construction, Ltd.**

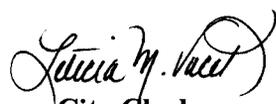
- h) The amount of \$173,092.00 is appropriated in Fund 45099000, General Obligation Capital Projects, Project Definition 23-00158, Olympia Drainage Area Phase I, WBS element 23-00158-05-02-02-02, entitled SAWS Water Construction, is authorized to be encumbered and made payable to **E-Z Bel Construction, Ltd.**
- i) The budget in Fund 45099000, General Obligation Capital Projects, Project Definition 23-00158, Olympia Drainage Area Phase I, shall be revised by increasing WBS element 23-00158-05-06, entitled Project Contingency, in the amount of \$187,915.03.
- j) The budget in Fund 45099000, General Obligation Capital Projects, Project Definition 23-00158, Olympia Drainage Area Phase I, shall be revised by increasing WBS element 23-00158-05-04, entitled Construction Capital Administration Costs, in the amount of \$144,694.57.
- k) The budget in Fund 45099000, General Obligation Capital Projects, Project Definition 23-00158, Olympia Drainage Area Phase I, shall be revised by increasing WBS element 23-00158-01, entitled Advertise, in the amount of \$2,000.00.

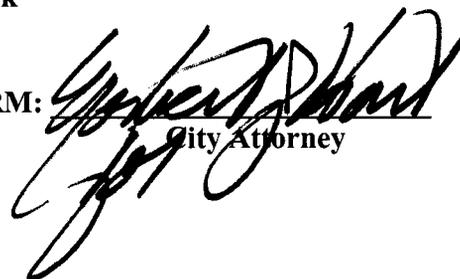
SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, 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 5. This Ordinance shall take effect on the 26th day of March, 2006.

PASSED AND APPROVED this 16th day of March, 2006.


M A Y O R
PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney

Agenda Voting Results

Name: 4.

Date: 03/16/06

Time: 09:37:19 AM

Vote Type: Multiple selection

Description: An Ordinance accepting the lowest responsive bid and authorizing a construction contract with E-Z Bel Construction in connection with the Olympia Drainage Area Phase I Project located in District 1; and appropriating a total amount of \$2,598,833.40, of which \$385,073.48 will be reimbursed by San Antonio Water System, from 2003-2007 General Obligation Drainage Improvement Bond, 2003 Storm Water Revenue Bond, and Certificates of Obligation funds. [Presented by Thomas Wendorf, Director, Public Works; Jelynn LeBlanc Burley, Deputy City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

THE CITY OF SAN ANTONIO

**CALENDAR DAY
CONTRACT**

THIS AGREEMENT made the _____ day of _____ in the year **TWO THOUSAND SIX (2006)** by and between **E-Z BEL CONSTRUCTION, LTD.**, hereinafter called the "Contractor", and the City of San Antonio, Texas, hereinafter called the "City or the "Owner".

WITNESSETH, that the Contractor and the Owner for the consideration hereinafter named agree as follows:

Article 1. Scope of the Work - The Contractor shall furnish all the materials and perform all the Work called for in the Contract Documents and more specifically described in the Plans and Specification for the Project entitled:

OLYMPIA DRAINAGE AREA PHASE I PROJECT

Prepared by Vickrey & Associates, Inc., acting as, and in these Contract Documents entitled, the Project Design "Consultant".

Article 2. Time of Completion - The Contractor shall begin Work at the job site within seven (7) calendar days after the date of the Owner's written Authorization to Proceed issued by the Owner's Representative. The Work to be performed under this Agreement is to be completed by Contractor in **THREE HUNDRED (300) Calendar Days**. For each Calendar Day that any Work is not completed after the expiration of Calendar Days stated above, plus any Extended Calendar Days granted by Owner in accordance with the Contract Documents, the sum as shown in the table below will be deducted from the money due or to become due the Contractor, not as a penalty, but as mutually agreed to liquidated damages and added expense for Owner Contract administration, not otherwise susceptible to exact determination by Owner and Contractor prior to the execution of this Agreement.

<u>Amount of Contract</u>	<u>Liquidated Damages per Day</u>
\$1,000,001 or Over	\$700.00
\$ 750,001 to \$1,000,000	\$600.00
\$ 500,001 to \$ 750,000	\$500.00
\$ 250,001 to \$ 500,000	\$400.00
\$ 100,001 to \$ 250,000	\$300.00
\$ 50,001 to \$ 100,000	\$200.00
\$ 1 to \$ 50,000	\$100.00

Attachment I

To Ordinance No. _____
Approved on March 16, 2006

Article 3. The Contract Sum - The Owner shall pay the Contractor for the proper performance of the Contract, subject to additions and deduction provided therein, the Contract sum of:

Materials and Services: TWO MILLION, TWO HUNDRED SIXTY FOUR THOUSAND, TWO HUNDRED TWENTY-THREE DOLLARS AND EIGHTY CENTS (\$2,264,223.80)

Article 4. Partial Payment - Each month, the Owner shall make a progress payment as approved by the Owner's Representative in accordance with Article VII of the General Conditions.

Article 5. Acceptance and Final Payment - Final Payment shall be due on final Owner acceptance of the Project Work, provided the Contract has been completed by Contractor as provided in Article IX of the General Conditions.

Before issuance of the final payment, the Contractor shall submit an affidavit and reasonable additional supporting evidence if required, as satisfactory to the Director of Finance, City of San Antonio, that all labor payrolls, construction materials and supply bills, subcontractors, and other indebtedness connected with the Work have been paid in full, or that an outstanding debt is being disputed and that the corporate surety or its agent is processing the outstanding claim and is willing to defend and/or indemnify the City should the City make final Contract payment.

Article 6. The Contract Documents - This Calendar Day Contract (Standard Form) the General Conditions, Special Conditions, Supplemental Conditions, Specifications, Addenda, Completed Bid Proposal Form, Invitation For Bids, Instructions to Bidders, Plans, Field Directives, Field Alterations, and Payment, Performance and Extended Warranty Bonds, form the Contract Documents and they are as fully a part of this Agreement as if hereto attached or herein repeated.

IN WITNESS WHEREOF, said City of San Antonio has lawfully caused these presents to be executed by the City Manager of said City, and the corporate seal of said City to be hereunto affixed and this instrument to be attested to by the City Clerk;

DONE at San Antonio, Texas, on the day and year first written above.

CITY OF SAN ANTONIO

By: _____
City Manager

ATTEST:

City Clerk

IN WITNESS WHEREOF, said Contractor has thoroughly read and understands this Agreement and the Contract Documents and the nature of this legal commitment and lawfully caused these presents to be executed by Contractor's legally authorized representative and does hereby deliver this legally binding instrument;

DONE at San Antonio, Texas, on the day and year first written above.

(Seal if Agreement is with Corporation)

E-Z BEL CONSTRUCTION, LTD.
Contractor

ATTEST:

BY: _____
Michael R. Rodriguez

Secretary

PRESIDENT
Title

STATE OF TEXAS }

COUNTY OF BEXAR }

This instrument was acknowledged before me on this the _____ day of _____ 20____
by _____ of _____ a
_____ on behalf of said _____.

NOTARY PUBLIC in and for the State of T E X A S

NOTARY'S PRINTED SIGNATURE

MY COMMISSION EXPIRES: