

**CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
PUBLIC WORKS DEPARTMENT**

CONSENT AGENDA

ITEM NO. 14

TO: Mayor and City Council

FROM: Thomas G. Wendorf, P.E., Director of Public Works

THROUGH: Terry M. Brechtel, City Manager

COPIES: Melissa Byrne Vossmer; Andrew Martin; Louis A. Lendman; Milo D. Nitschke; File

SUBJECT: Navajo Area Streets

DATE: March 27, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance accepts the low qualified bid and awards a construction contract in the amount of \$2,595,287.35 payable to Texas Sterling Construction, L.P., a non-MBE firm, \$249,643.00 for construction contingency expenses, \$26,385.00 payable to CDS/Muery, a non-MBE firm, for engineering construction services; and \$9,482.00 for engineering construction contingency for an overall total of \$2,880,797.35. Of the \$2,880,797.35, \$2,781,949.65 will be funded with Certificates of Obligation, \$47,672.10 will be funded from San Antonio Water System (SAWS) for sewer and water work, and \$51,175.60 will be funded by City Public Service (CPS) for gas line replacement in connection with the Navajo Area Streets project located in Council District 4.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

The Navajo Area Streets project provides for reconstruction of Navajo (40-ft) and Hutchins (40-ft) to two lanes from Palo Alto to IH 35 and Bartlite (30-ft) to two lanes from IH 35 to Navajo. This project will also include 4-foot sidewalks, curbs, driveway approaches, and underground storm system. The underground storm drain outfall will be constructed under IH 35 Frontage Road to Upper Six-Mile Creek. The Additive Alternate included Hutchins (Bartlite to Palo Alto) as part of this project and was selected by the former District 4 Councilmember to be included in the recommendation for approval. This project is scheduled to begin construction March 2003 and completed by July 2004. The estimated cost of construction for the project is \$2,980,694.00 and \$249,089.00 for design for a portion of a total estimated project cost of \$3,229,783.00.

This project was authorized by the 1994 General Obligation Bond Program. Due to funding shortfalls that were anticipated during the FY 2003 budget process, resources from Certificates of Obligations issued in 2002 will be used to support this process.

This ordinance provides for additional compensation to CDS/Muery for professional engineering services related to final design and with the construction contract administration of this project. This professional services contract for Navajo Area Streets was originally approved by City Ordinance No. 81786 on March 9, 1995 and initially authorized \$139,500.00 for the original scope of services related to this project. Previously approved Council actions totaling \$83,049.18 increased the total contract value to \$222,549.18. This Council action will increase the total, to date, authorized for this professional service contract to \$248,934.18.

This project was advertised for construction bids in the Commercial Recorder, the San Antonio Informer, and La Prensa in November 2002. In addition, the bid announcement was made on TVSA, through the SBEDA office and Dodge Report. Plans were also available for review by potential bidders in the Public Works Office.

Bids for this project were opened on December 11, 2002 with six (6) bidders responding. A matrix reflecting the outcome of the bid process is attached.

The Economic Development Department has reviewed and approved the List of Subcontractors and the Good Faith Effort Plan submitted by Texas Sterling Construction, L.P. The contractor has committed to subcontract \$127,655.00 (5%) of their contract to MBE firms and \$69,992.00 (2%) to WBE firms. The contract provides for 225 working days or approximately one (1) year to complete the project. Texas Sterling Construction, L.P. currently has one (1) construction contract with the City of San Antonio in the total amount of \$343,523.00.

POLICY ANALYSIS

Approval of this ordinance will be a continuation of City Council policy to complete previously approved 1994 G.O. Street Bond funded Capital Improvement Projects.

FISCAL IMPACT

This is a one-time capital improvement expenditure and within budget. This project will be funded in the amount of \$2,781,949.65 from Certificates of Obligation funds and included in the current Capital Improvement Program Budget, in addition to \$47,672.10 from SAWS for sewer and water work and \$51,175.60 from City Public Service for gas line replacement, for an overall total of \$2,880,797.35 to be authorized payable as follows:

\$2,595,287.35	payable to Texas Sterling Constructors, for construction expenses
\$ 249,643.00	payable for miscellaneous construction contingency
\$ 26,385.00	payable to CDS/Muery for engineering services
\$ 9,482.00	payable for engineering contingency

The engineering contingency account originally authorized \$2,428.00 for this project. This Council action will increase the total amount to \$11,910.00. These items represent a portion of a total estimated City project cost of \$3,229,783.00.

COORDINATION

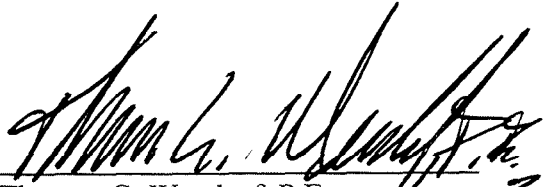
This request for ordinance has been coordinated with the Office of Management and Budget and the Finance Department.

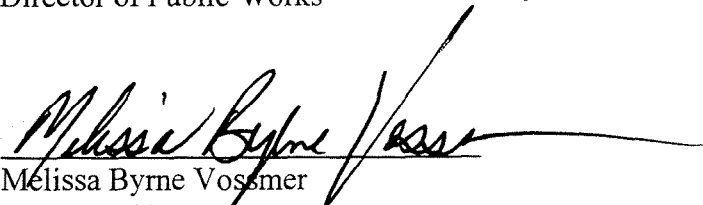
SUPPLEMENTARY COMMENTS

This construction contract was developed utilizing the formal competitive bid process; therefore, a Discretionary Contracts Disclosure Form is not required. However, because we are amending a professional service contract, a Discretionary Contracts Disclosure Form is required for CDS/Muery.


ATTACHMENTS

1. Matrix of Bid Process
2. Project Map
3. Proposal
4. Discretionary Contract Disclosure Form


Thomas G. Wendorf, P.E.
Director of Public Works 3/6/03

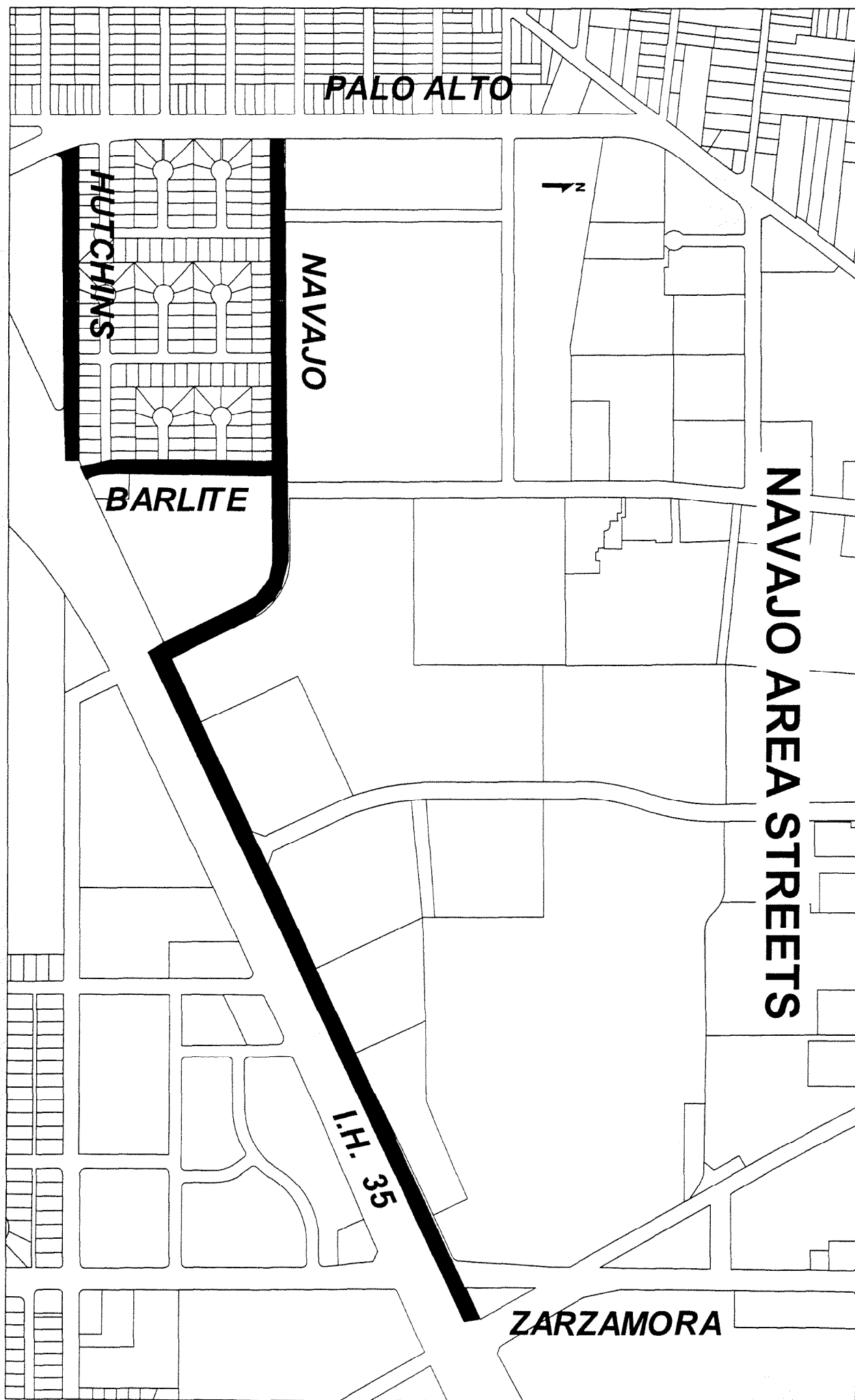

Melissa Byrne Vossmer
Assistant City Manager

Approved:


Terry M. Brechtel
City Manager

ATTACHMENT I
Matrix of Bid Tabulation
Navajo Area Streets

	CONTRACTOR	BASE BID			ADDITIVE ALTERNATE		TOTAL
		PW	SEWER	GAS	PW	SEWER	
1.	Texas-Sterling Construction,L.P.	\$2,103,272.67	\$41,672.10	\$ 51,175.60	\$393,167.01	\$6,000.00	\$2,595,287.35
2.	KGME, Inc.	\$2,272,449.33	\$30,003.55	\$ 51,375.60	\$390,708.96	\$3,000.00	\$2,747,537.44
3.	San Antonio Constructors	\$2,247,858.03	\$43,009.34	\$ 56,220.60	\$430,142.44	\$5,175.00	\$2,782,405.41
4.	Pipelayers, Inc.	\$2,333,350.96	\$44,782.00	\$ 99,117.00	\$415,599.11	\$2,200.00	\$2,895,049.07
5.	EZ Bel Construction, Ltd.	\$2,480,040.07	\$38,506.50	\$107,009.00	\$400,459.45	\$ 752.00	\$3,026,767.02
6.	RL Jones L.P.	\$2,481,378.85	\$80,868.50	\$ 83,178.00	\$427,149.06	\$1,700.00	\$3,074,274.41



TO

FOR THE CONSTRUCTION OF

IN SAN ANTONIO, TEXAS

Form 9-12 (Rev. Feb.70)

CITY PUBLIC SERVICE
EXHIBIT GAS-5
COMPENSATION SCHEDULE
CONSTRUCTION OF NATURAL GAS DISTRIBUTION FACILITIES

ITEM NO.	DESCRIPTION	UNIT	UNIT PRICE	BID QUANTITY	TOTAL PRICE
14.	Construct, Inspect, Maintain and Remove Temporary Erosion Control Devices as specified in the SWPPP.				
	Hay Bales	1 ea.	\$ <u>8.00</u>	X 0	= \$ <u>0</u>
	Silt Fence	1 lin. ft.	\$ <u>8.50</u>	X 0	= \$ <u>0</u>
	Rock Berms	1 lin. ft.	\$ <u>25.00</u>	X 0	= \$ <u>0</u>
	Gravel Filter Bags	1 lin. ft.	\$ <u>35.00</u>	X 0	= \$ <u>0</u>
	Curb Inlet Gravel Filter	1 lin. ft.	\$ <u>60.00</u>	X 0	= \$ <u>0</u>
15.	Apply, Inspect and Maintain Permanent Soil Stabilization in accordance with the SWPPP.				
	Seeding	1 sq.yd.	\$ <u>2.25</u>	X 0	= \$ <u>0</u>
16.	Perform Inspections and Maintenance of the Temporary Erosion Control Devices as specified in the SWPPP after the Gas Construction Activity has been completed.				
		1 week	\$ <u>300.00</u>	X 0	= \$ <u>0</u>

TOTAL COST: \$ 51,175.60

COMPANY: TEXAS STERLING CONSTRUCTION, L.P.
 PREPARED BY: SAM CLARK *SC*
 TITLE: VICE PRESIDENT
 DATE: 12/11/02

City of San Antonio

Discretionary Contract Disclosure*

For use of this, see City of San Antonio Ethics Code, Part D, Section 1 & 2

*Attach additional sheets if space provided is not sufficient.

State Not Applicable for questions that do not apply.

**This form is required to be supplemented in the event there is any change in the information under (1), (2), or (3) below, before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed.*

Disclosure of Parties, Owners, and Closely Related Persons

For the purpose of assisting the city in the enforcement of provisions contained in the City Charter and the code of ethics, an individual or business entity seeking a discretionary contract from the city is required to disclose in connection with a proposal for a discretionary contract:

- (1) the identity of any individual who would be a party to the discretionary contract:

N/A

- (2) the identity of any business entity that would be a party to the discretionary contract:

and the name of:

- (A) any individual or business entity that would be a subcontractor on the discretionary contract;

N/A

- (B) any individual or business entity that is known to be a partner, or a parent or subsidiary business entity, of any individual or business entity who would be a party to the discretionary contract:

N/A

- (3) the identity of any lobbyist or public relations firm employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.

N/A


Political Contributions

Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any current or former member of City Council, any candidate for City Council, or to any political action committee that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under (1), (2), or (3) above. Indirect contributions by an individual include, but are not limited to, contributions made by the individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made through the officers, owners, attorneys, or registered lobbyist of the entity.

To Whom Made:	Amount:	Date of Contribution:
Julian Castro for Council Campaign	\$1,000.00	04/2001
David Carpenter Campaign	\$1,000.00	04/2001

Disclosures in Proposals

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise a question¹ as to whether any city official or employee would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

Signature:  Kenneth R. Rothe, P.E.	Title: President Company: CDS/Muery Services	Date: 12/31/02

¹For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.