



**Construction Contract  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 5  
AGENDA DATE: Thu 04/14/2005  
PAGE: 1 of 2**

**SUBJECT:** Authorize execution of a construction contract with TEXAS STERLING CONSTRUCTION, LIMITED PARTNERSHIP, Houston, TX, for 45<sup>th</sup> Street Reconstruction Project from Division Drive to Airport Boulevard in the amount of \$15,271,787.70, plus a bonus potential amount not to exceed \$360,000, plus a \$763,589.39 contingency, for a total contract amount not to exceed \$16,395,377.09.

**AMOUNT & SOURCE OF FUNDING:** Funding in the amount of \$9,437,051 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Public Works Department and \$6,958,326.09 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Austin Water Utility.

**FISCAL NOTE:** A fiscal note is attached.

**REQUESTING** Public Works  
**DEPARTMENT:** for Austin Water Utility;

**DIRECTOR'S  
AUTHORIZATION:** Sondra Creighton

**FOR MORE INFORMATION CONTACT:** Dennis Crabill, 974-7232; Laura Bohl, 974-7064

**PRIOR COUNCIL ACTION:** N/A

**BOARD AND COMMISSION ACTION:** N/A

**PURCHASING:** Lowest bid of two received.

**MBE / WBE:** N/A

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This project includes reconstruction of 45th Street from Division Drive to Airport Boulevard. The work consists of full depth reconstruction with asphalt, replacement of water and wastewater lines, installation of new sidewalks along the north side of 45th Street from Highland Terrace to Burnet Road, existing sidewalk and sidewalk ramps, replacement of curbs and gutters, installation of pavement markings and adjustment of utilities. Two meetings were held with businesses in the project vicinity to present the project. Notices were sent to eleven affected neighborhood associations. The project manager attended two neighborhood association meetings and met with the School For the Blind. In addition, notices were placed in At Your Doorstep and Energy Plus, and were delivered to all residents adjacent to the proposed new sidewalk.

Due to the potential for unknown subsurface conditions and utility conflicts when working in the right-of-way, a 5% contingency in funding has been included to allow for the expeditious processing of any future change orders. The contract allows 420 calendar days for completion of this project.

Bid documents were distributed to 7 general contractors. Bids were opened on January 27, 2005. The Texas Sterling Construction Limited Partnership submitted the lower of 2 bids received:

Texas Sterling Construction LP, Houston, TX	\$15,271,787.70
Capital Excavation Company, Austin, TX	\$19,672,313.63

The contractor's choice of work methodology provides for 5 areas of subcontracting opportunities listed



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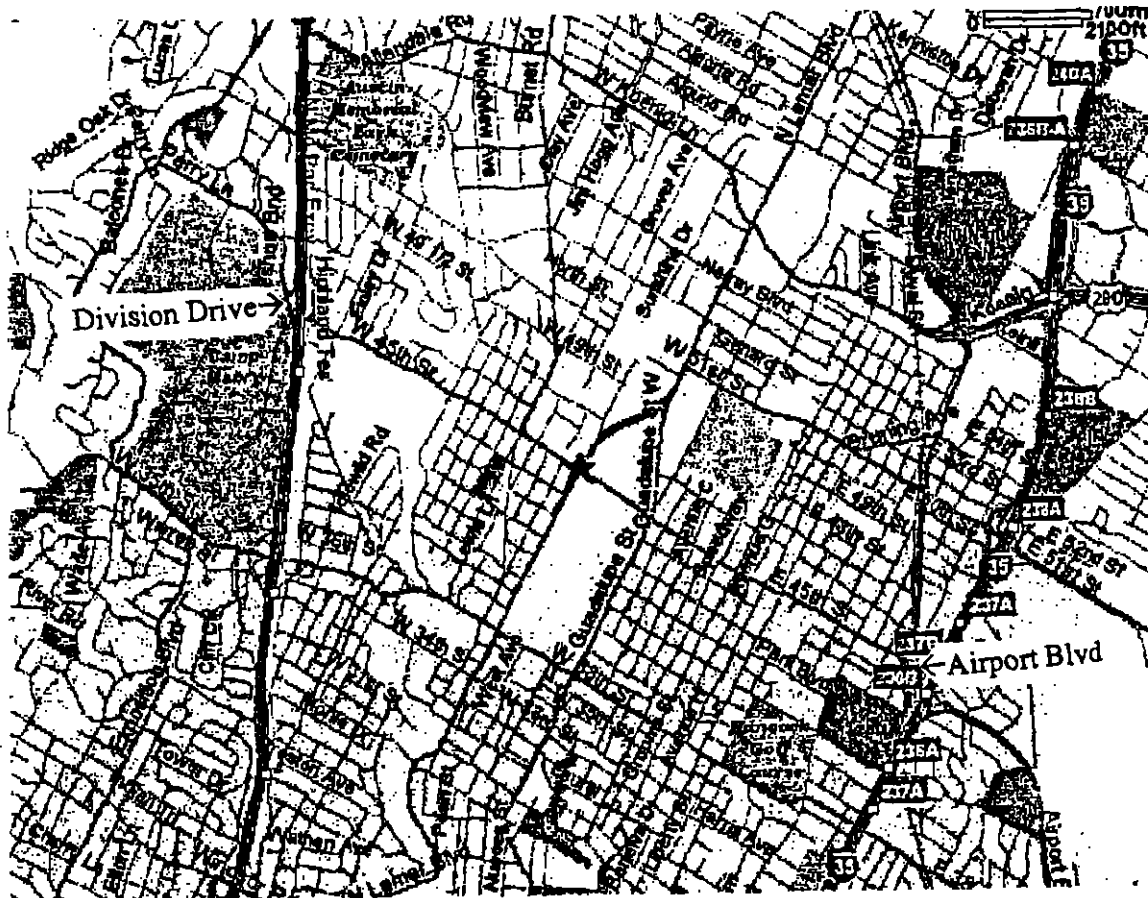
below. Project specific subgoals stated in the solicitation were 3.34% African American (MB); 13.48% Hispanic (MH); 0.09% Native American (MN); 0.44% Asian American (MA), 9.91% WBE. Total participation estimated on base bid amount of \$15,271,787.70.

<b>NON M/WBE TOTAL – PRIME</b>	<b>\$10,552,460.70</b>	<b>69.10%</b>
Texas Sterling LP, Houston, TX	\$10,552,460.70	69.10%
<b>MBE TOTAL – SUBCONTRACTORS</b>	<b>\$2,821,966.00</b>	<b>18.48%</b>
African American Subtotal	\$548,966.00	3.59%
Sam Kellough Trucking, Austin, TX (general and HMAC hauling)	\$548,966.15	3.59%
Hispanic Subtotal	\$2,137,760.00	14.00%
Benitez Construction Inc., Manor, TX (underground utilities)	\$1,783,800.00	11.68%
Leal Brothers Trucking Inc., Austin, TX (general and HMAC hauling)	\$353,960.00	2.32%
Asian American Subtotal	\$135,240.00	0.89%
Austin Traffic Signals, Round Rock, TX (lower traffic conduit)	\$135,240.00	0.89%
<b>WBE TOTAL – SUBCONTRACTORS</b>	<b>\$1,897,361.00</b>	<b>12.42%</b>
Industrial Asphalt Inc, Austin, TX (supply HMAC)	\$1,897,361.00	12.42%

The Contractor submitted a MBE/WBE Compliance Plan that demonstrated a Good Faith Effort and was approved by the Department of Small & Minority Business Resources. Second low bidder information is provided.

**SECOND BIDDER – Capital Excavation Company, Austin, TX - \$19,672,313.63.**  
57.6% Non M/WBE prime participation; 3.35% MB; 13.48% MH; 0.00% MN; 0.44% MA; 15.31% WBE; 9.82% Non M/WBE subcontractor participation.

**45<sup>th</sup> STREET  
DIVISION DRIVE  
TO  
AIRPORT BOULEVARD  
CIP ID 5402.001**



## CIP FISCAL NOTE

**DATE OF COUNCIL CONSIDERATION:**  
**WHERE ON AGENDA:**  
**DEPARTMENT:**

04/07/05  
Resolution  
Austin Water Utility

**DESCRIPTION:**

Authorize execution of a construction contract with TEXAS STERLING CONSTRUCTION, LIMITED PARTNERSHIP, Houston, TX for 45th Street Reconstruction Project from Division Drive to Airport Boulevard in the amount of \$15,271,787.70, plus a potential bonus in an amount not to exceed \$360,000, plus a \$763,589.39 contingency, for a total contract amount not to exceed \$16,395,377.09.

**FINANCIAL INFORMATION:**

Parent Project Name:	Water Unfunded Future
Project Authorization:	2004-05 Approved Capital Budget
Funding Source:	Commercial Paper
Number:	3960 227 1019

Current Appropriation	\$ 298,783,739.00
Unencumbered Balance	95,221,835.52 *
Amount of This Action	<u>(5,447,406.39)</u>
Remaining Balance	<u>\$ 89,774,429.13</u>
 Current Available Balance	 \$ 98,420,466.14
Less Outstanding Commitments	<u>(3,198,630.62)</u>
Estimated Unencumbered Balance	<u>\$ 95,221,835.52 *</u>

Utility Finance: \_\_\_\_\_

David Anders, Utilities Finance Manager

Date: \_\_\_\_\_

3/22/05

REF. # 3960 227 7382

## CIP FISCAL NOTE

**DATE OF COUNCIL CONSIDERATION:**  
**WHERE ON AGENDA:**  
**DEPARTMENT:**

04/07/05  
Resolution  
Austin Water Utility

**DESCRIPTION:**

Authorize execution of a construction contract with TEXAS STERLING CONSTRUCTION, LIMITED PARTNERSHIP, Houston, TX for 45th Street Reconstruction Project from Division Drive to Airport Boulevard in the amount of \$15,271,787.70, plus a potential bonus in an amount not to exceed \$360,000, plus a \$763,589.39 contingency, for a total contract amount not to exceed \$16,395,377.09.

**FINANCIAL INFORMATION:**

Parent Project Name:	Wastewater Unfunded Future
Project Authorization:	2004-05 Approved Capital Budget
Funding Source:	Commercial Paper
Number:	4570 237 2017

Current Appropriation	\$ 494,873,293.00
Unencumbered Balance	165,456,234.55 *
Amount of This Action	<u>(853,398.37)</u>
Remaining Balance	<u>\$ 164,802,836.18</u>
 Current Available Balance	 \$ 184,130,095.12
Less Outstanding Commitments	<u>(18,673,860.57)</u>
Estimated Unencumbered Balance	<u>\$ 165,456,234.55 *</u>

Utility Finance:

  
David Anders, Utilities Finance Manager

Date:

3/22/05

REF. # 4570 237 8712

## CIP FISCAL NOTE

**DATE OF COUNCIL CONSIDERATION:**  
**WHERE ON AGENDA:**  
**DEPARTMENT:**

04/07/05  
Resolution  
Austin Water Utility

**DESCRIPTION:**

Authorize execution of a construction contract with TEXAS STERLING CONSTRUCTION, LIMITED PARTNERSHIP, Houston, TX for 45th Street Reconstruction Project from Divislon Drive to Airport Boulevard in the amount of \$15,271,787.70, plus a potential bonus in an amount not to exceed \$360,000, plus a \$763,589.39 contingency, for a total contract amount not to exceed \$16,395,377.09.

**FINANCIAL INFORMATION:**

Parent Project Name:	Wastewater Unfunded Future
Project Authorization:	2004-05 Approved Capital Budget
Funding Source:	Commercial Paper
Number:	4570 237 2017

Current Appropriation	\$ 494,673,293.00
Unencumbered Balance	165,890,105.88 *
Amount of This Action	<u>(433,871.33)</u>
Remaining Balance	<u>\$ 165,456,234.55</u>
 Current Available Balance	 \$ 184,130,095.12
Less Outstanding Commitments	<u>(18,239,989.24)</u>
Estimated Unencumbered Balance	<u>\$ 165,890,105.88 *</u>

Utility Finance: \_\_\_\_\_

  
David Anders, Utilities Finance Manager

Date: 3/22/05

REF. # 4570 237 8771

## CIP FISCAL NOTE

**DATE OF COUNCIL CONSIDERATION:**  
**WHERE ON AGENDA:**  
**DEPARTMENT:**

04/07/05  
Resolution  
Austin Water Utility

**DESCRIPTION:**

Authorize execution of a construction contract with TEXAS STERLING CONSTRUCTION, LIMITED PARTNERSHIP, Houston, TX for 45th Street Reconstruction Project from Division Drive to Airport Boulevard in the amount of \$15,271,787.70, plus a potential bonus in an amount not to exceed \$360,000, plus a \$763,589.39 contingency, for a total contract amount not to exceed \$16,395,377.09.

**FINANCIAL INFORMATION:**

Parent Project Name:	1984 Wastewater Imps. Prop. 12
Project Authorization:	1995-96 Amended Capital Budget
Funding Source:	1984 Revenue Bonds
Number:	4390 237 2009

Current Appropriation	\$ 81,880,260.00
Unencumbered Balance	1,138,910.19 *
Amount of This Action	<u>(223,650.00)</u>
Remaining Balance	<u>\$ 915,260.19</u>
Current Available Balance	\$ 1,138,910.19
Less Outstanding Commitments	<u>-</u>
Estimated Unencumbered Balance	<u>\$ 1,138,910.19 *</u>

Utility Finance:



David Anders, Utilities Finance Manager

Date:

3/22/05

REF. # 4390 237 6950

**CIP BUDGET  
FISCAL NOTE**

**DATE OF COUNCIL CONSIDERATION:**

7-Apr-05

**WHERE ON AGENDA:**

Resolution

**DEPARTMENT:**

Public Works Department

**DESCRIPTION:** *Authorize execution of a construction contract with TEXAS STERLING CONSTRUCTION, LIMITED PARTNERSHIP, Houston, TX for the 45th Street Reconstruction Project from Division Drive to Airport Boulevard in the amount of \$15,271,787.70, plus a potential bonus in an amount not to exceed \$360,000, plus a \$763,589.39 contingency, for a total contract amount not to exceed \$16,395,377.09.*

**FINANCIAL INFORMATION:**

Project Name: Street Reconstruction P1/1998  
Project Authorization: 2004-2005 Approved Capital Budget  
Funding Source: 1998 GO Bonds P1  
Fund/Agency/Orgn: 8780-607-1800

Total Current Appropriation	\$73,270,000.00
Unencumbered Balance	\$9,651,159.00
Amount of this Action	(\$9,005,886.87)
Estimated Available	<u>\$645,272.13</u>

Ref: 8780-607-1861

Project Name: Pedestrian Sub. \$5M of \$18.2  
Project Authorization: 2004-2005 Approved Capital Budget  
Funding Source: 1998 GO Bonds P1  
Fund/Agency/Orgn: 8780-607-2129

Total Current Appropriation	\$4,630,553.00
Unencumbered Balance	\$481,667.00
Amount of this Action	(\$431,164.13)
Estimated Available	<u>\$50,502.87</u>

Ref: 8780-607-2137

Financial Approval: Rusty Cobern

Date: March 25, 2005