

Controller's Office

To the Honorable Mayor and City Council of the City of Houston, Texas:

I hereby certify, with respect to the money required for the contract, agreement, obligation or expenditure contemplated by the ordinance set out below that:

- () Funds have been encumbered out of funds previously appropriated for such purpose.
- () Funds have been certified and designated to be appropriated by separate ordinance to be approved prior to the approval of the ordinance set out below.
- () Funds will be available out of current or general revenue prior to the maturity of any such obligation.
- () No pecuniary obligation is to be incurred as a result of approving the ordinance set out below.
- () The money required for the expenditure or expenditures specified below is in the treasury, in the fund or funds specified below, and is not appropriated for any other purposes.
- () A certificate with respect to the money required for the expenditure or expenditures specified below is attached hereto and incorporated hereby by this reference.
- () Other – Grant Funds Available.

[Handwritten Signature]
General Salt

City Controller of the City of Houston, Texas

Date: 9-15, 2020

ms

4040-2000-52026 ⁵²⁰¹⁴¹ ₅₂₂₇₃₀

FR-300004796,
300004797

FUND REF:

AMOUNT: 5,950,000.00 ENCUMB. NO.: 300002045-1

DC 0A 46-14926, 46-14290
FRBB 3-27754

City of Houston, Texas Ordinance No. 2020-786

AN ORDINANCE APPROPRIATING THE SUM OF \$5,950,000.00 OUT OF THE METRO PROJECTS CONSTRUCTION DDSRF AS AN ADDITIONAL APPROPRIATION; APPROVING AND AUTHORIZING A FIRST AMENDMENT TO THE CONSTRUCTION CONTRACT BETWEEN THE CITY OF HOUSTON AND DCE CONSTRUCTION, INC. TO CITY WIDE PANEL REPLACEMENT FY2018 PART OF THE CONCRETE PANEL REPLACEMENT PROGRAM (APPROVED BY ORDINANCE NO. 2018-0643); PROVIDING FUNDING FOR CONTINGENCIES, CIP COST RECOVERY AND TESTING SERVICES RELATING TO CONSTRUCTION OF FACILITIES FINANCED BY THE METRO PROJECTS CONSTRUCTION DDSRF; CONTAINING PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

[Handwritten mark]

* * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. The City Council hereby appropriates the sum or sums of money set out in the title of this Ordinance, out of the respective fund or funds set out in such title as follows: the sum of **\$5,000,000.00** is appropriated for construction costs related to the project described in the title, the sum of **\$250,000.00** is appropriated for contingency, the sum of **\$200,000.00** for testing services under **Outline Agreement No. 4600014290**, and the sum of **\$500,000.00** is appropriated for CIP Cost Recovery relating to construction of facilities financed by the fund described in such title.

Section 2. The City Council hereby approves and authorizes the contract, agreement, or other undertaking described in the title of this Ordinance, in substantially the form as shown in the document which is attached hereto and incorporated herein by this reference. The Mayor is hereby authorized to execute such document and all related documents on behalf of the City of Houston. The City Secretary is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents.

Section 3. The Mayor is hereby authorized to take all actions necessary to effectuate the City's intent and objectives in approving such agreement, agreements or other undertaking described in the title of this ordinance, in the event of changed circumstances.

Section 4. The City Attorney is hereby authorized to take all action necessary to enforce all legal obligations under said contract without further authorization from the City Council.

Section 5. There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 16th day of September, 2020.
APPROVED this ___ day of _____, 20__.

Mayor of the City of Houston, Texas.

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is
SEP 22 2020.

CAPTION PUBLISHED IN DAILY COURT
REVIEW DATE: SEP 22 2020

Pat J. Haniel
City Secretary

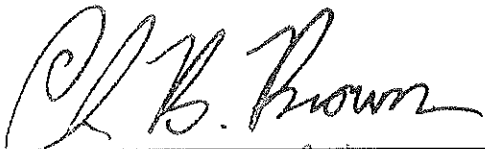
(Prepared by Legal Dept. [Signature])
(ARC/sjl 04/02/2019) Assistant City Attorney
(Requested by Carol Ellinger Haddock, P.E., Director, Houston Public Works)
(L.D. File No. 0671800027002)

CERTIFICATE OF CITY CONTROLLER

I, Chris B. Brown, City Controller of the City of Houston, Texas, pursuant to Article II, Section 19a of the Charter of the City of Houston, with respect to the sum of **\$5,950,000.00** required for the project referenced in the title of this ordinance, do hereby certify as follows:

Metro Projects Construction Fund (4040)

The sum of **\$5,950,000.00** will be received into the treasury and will be available before the maturity of said obligation, and the funds anticipated have not been already appropriated for any other purpose. The sum of **\$5,950,000.00** will be received as a contribution to the City of Houston, Texas pursuant to a contract with Metropolitan Transit Authority of Harris County, Texas.



City Controller *Jenna Polk*

AYE	NO	
✓		MAYOR TURNER
••••	••••	COUNCIL MEMBERS
✓		PECK
✓		DAVIS
✓		KAMIN
✓		EVANS-SHABAZZ
✓		MARTIN
✓		THOMAS
✓		TRAVIS
✓		CISNEROS
✓		GALLEGOS
✓		POLLARD
✓		MARTHA CASTEX-TATUM
✓		KNOX
✓		ROBINSON
✓		KUBOSH
✓		PLUMMER
✓		ALCORN
CAPTION	ADOPTED	

**FIRST AMENDMENT TO THE CONSTRUCTION CONTRACT FOR CITY WIDE PANEL
REPLACEMENT FY-2018 BETWEEN THE CITY OF HOUSTON AND DCE CONSTRUCTION
INC.**

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

THIS FIRST AMENDMENT TO THE CONSTRUCTION CONTRACT FOR CITY WIDE PANEL REPLACEMENT FY-2018 ("FIRST AMENDMENT") is made on the counter-signature date by and between the CITY OF HOUSTON, TEXAS (the "City"), a home-rule city of the state of Texas, and DCE CONSTRUCTION INC. (the "Consultant"), a Texas corporation.

RECITALS:

1. Pursuant to Ordinance 2018-0643 (August 15, 2018), the City and the Consultant entered into a Contract for City Wide Panel Replacement FY-2018 (the "Original Agreement").
2. In accordance with Section 13.10.1 of Document 00700, General Conditions, of the Original Agreement, the Parties agree to amend the Agreement as follows.
3. The City and the Consultant desire to amend the Original Agreement to appropriate additional funding.
4. **NOW THEREFORE**, the parties agree as follows:

ARTICLE I.

Section 3.1 of Article 3, "Contract Price", of Document 00520, "Agreement", is deleted in its entirety and replaced with the following:

3.1 Subject to terms of the Contract, the City will pay Contractor the Contract Price set out in each Work Order in current funds for Contractor's performance of the Contract. The total Contract Price, as sum of Contract Prices of all Work Orders issued, shall not exceed of \$10,197,359.75, which includes Allowances, and Alternates, if any, accepted below.

ARTICLE II.

Except as modified under this First Amendment, the Original Agreement will remain in full force and effect. In the event of a conflict between the Original Agreement, and this First Amendment, this First Amendment shall prevail.

E. Signatures


The Parties have executed this Agreement in multiple copies, each of which is an original.

ATTEST/SEAL (if a corporation):

CONSULTANT: DCE CONSTRUCTION, INC.

WITNESS (if not a corporation):

By: _____
Name: _____
Title: _____

By: 
Name: Mike Agjour
Title: President

ATTEST/SEAL:

CITY OF HOUSTON, TEXAS

Signed by:

City Secretary

Mayor

APPROVED:



Director, Public Works and Engineering

COUNTERSIGNED BY:

City Controller

APPROVED AS TO FORM:



Assistant City Attorney
L.D. File No. 0671800027003

DATE COUNTERSIGNED:
