

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

*James B. Brown*  
James B. Brown

Date: 10-6, 2020

City Controller of the City of Houston, Texas

8500-2000-520126-520141  
 520755  
 522730  
 429617, 9618  
 PROFIT  
 ENCUMB. NO.: 3-5259, 3-4734

FUND REF: 0A 46-16281, 46-4307

AMOUNT: 13,808,300.00

FMSB 3-28330

City of Houston, Texas Ordinance No. 2020-871

**AN ORDINANCE APPROPRIATING THE SUM OF \$13,808,300.00 OUT OF THE WATER AND SEWER SYSTEM CONSOLIDATED CONSTRUCTION FUND, AWARDING A CONTRACT TO LEM CONSTRUCTION CO., INC FOR GROUNDWATER FACILITY/RE-PUMP STATION/ HVAC & VENTILATION SYSTEM IMPROVEMENTS AT VARIOUS LOCATIONS PACKAGE NO. 1; SETTING A DEADLINE FOR THE BIDDER'S EXECUTION OF THE CONTRACT AND DELIVERY OF ALL BONDS, INSURANCE, AND OTHER REQUIRED CONTRACT DOCUMENTS TO THE CITY; HOLDING THE BIDDER IN DEFAULT IF IT FAILS TO MEET THE DEADLINES; PROVIDING FUNDING FOR TESTING SERVICES, CIP COST RECOVERY AND CONTINGENCIES RELATING TO CONSTRUCTION OF FACILITIES FINANCED BY THE WATER AND SEWER SYSTEM CONSOLIDATED CONSTRUCTION FUND; CONTAINING PROVISIONS RELATING TO THE SUBJECT AND DECLARING AN EMERGENCY.**

\* \* \* \*

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

Section 1. The City Council 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 \$11,920,200.00 is appropriated for construction of the project described in the title, the sum of \$1,192,090.00 is appropriated for CIP cost recovery relating to construction of facilities financed by the funds described in such title, the sum of \$596,010.00 is appropriated for contingency, and the sum of \$100,000.00 is appropriated for testing services under Outline Agreement No. 4600014307. In the event there are unspent funds remaining in the Construction Appropriation after construction and closeout of the project, such unspent funds are appropriated for CIP Cost Recovery relating to construction of facilities financed by the fund described in the title.

Section 2. Having duly advertised for and received competitive bids for the work described in the title of this ordinance, the City Council hereby finds and determines that the lowest responsible bid was submitted by the bidder named in the title hereof in the amount of \$11,920,200.00 (which amount is only an estimate if unit prices are included in the bid proposal of said bidder). The Contract for said work is hereby awarded to said bidder. The bidder must execute the contract and deliver to the City's Director of Houston Public Works (Director) all required bonds, insurance certificates, MWBE information, and all other contract documents required to be provided in post bid procedures in a form acceptable to the City Attorney within 10 days of the date of passage of this Ordinance by City Council. If the bidder does so, the Mayor is hereby authorized to execute the contract.

Section 3. If bidder fails to comply by the above deadline, it shall be in default. The Director shall give the bidder notice of default. The Director shall give the bidder notice of default and recommend award of the contract to the next lowest bidder. The City Attorney is authorized to forfeit the bid bond of the bidder.

Section 4. The City Council hereby approves and authorizes the construction contract described in the title of this ordinance, in form prepared by Houston Public Works and on file in that Department. Any addenda or modifications to such contract issued by that Department shall be included in the contract. Any alternate bid items recommended for acceptance by that Department shall be included in the contract. The Mayor is hereby authorized to execute such document and all related documents (including any related surety bonds) on behalf of the City of Houston, Texas. 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 5. 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 referenced in the title of this ordinance, in the event of changed circumstances.

Section 6. The City Attorney is hereby authorized to take all action necessary to enforce all legal obligations under said contract without further authorization from Council.

Section 7. 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 7<sup>th</sup> day of October, 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 OCT 13 2020

Pat J. Hamill  
City Secretary

Requested by: Carol Ellinger Haddock, P.E., Director  
Houston Public Works

(Contact: Antonio Hall)  
(Phone: 832-395-2373)

This Ordinance and/or Contract has (have) been reviewed as to form by the undersigned legal assistant and has (have) been found to meet established Legal Department criteria. The Legal Department has not reviewed the content of these documents.

9/25/2020  
Date

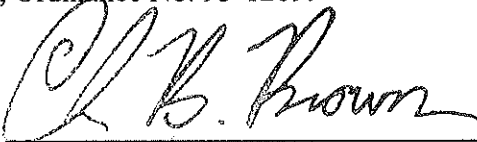
[Signature]  
Assistant Legal

**CERTIFICATE OF CITY CONTROLLER**

I, Chris B. Brown, Controller of the City of Houston, Texas, pursuant to Article II, Section 19a of the Charter of the City of Houston, Texas, with respect to the sum of **\$13,808,300.00** required for the project referenced in the title of this ordinance, do hereby certify as follows:

1. **Water and Sewer System Consolidated Construction Fund:**

- (a) The sum of **\$13,808,300.00** will be funded from water and sewer system bond proceeds and/or water and sewer system commercial paper proceeds (first-in-first-out basis) pursuant to Ordinance No. 93-1409 authorizing the creation of the Water and Sewer System Consolidated Construction Fund. To the extent that this sum will be paid with bond proceeds, it is in the treasury in the said fund, and is not appropriated for any other purpose.
  
- (b) To the extent that the **\$13,808,300.00** will be paid by commercial paper proceeds, funds will be received into the treasury and available before the maturity of said obligation, and said anticipated funds have not already been appropriated for any other purpose. Such sum will be received as a cash draw(s) to the City of Houston, Texas pursuant to the Water and Sewer System Commercial Paper Ordinance, Ordinance No. 93-1209.

  
\_\_\_\_\_  
Chris B. Brown  
City Controller

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