

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]
City Controller of the City of Houston, Texas

Date: 11-3, 2020

City Controller of the City of Houston, Texas

ml

8500-2000-522730 944,884.81

8507 1-520126-520141-520155-520755 20,362,363.45

FUND REF: ↓ ↓ AMOUNT: 15,155,451.74

PRO 142-9660, 9661, 9662
72-9663

ENCUMB. NO. 20005274, 4734

dc

on 46-1630, 46-14309, 46-15461 36,462,700.00

(FD)

46-14513
FMSB 3-28415

City of Houston, Texas Ordinance No. 2020-949

AN ORDINANCE AUTHORIZING THE TRANSFER OF \$15,155,451.74 FROM THE NETL EXPANSION-SWIFT FUND TO THE HPW-NETL CONSTRUCTION FUND AND APPROPRIATING SAID SUM OUT OF THE HPW-NETL CONSTRUCTION FUND, APPROPRIATING \$20,362,363.45 OUT OF THE WATER AUTHORITIES CAPITAL CONTRIBUTION-NETL FUND, APPROPRIATING \$944,884.81 OUT OF THE WATER AND SEWER SYSTEM CONSOLIDATED CONSTRUCTION FUND, AWARDING A CONTRACT TO FIVE COMPANIES, LLC FOR 108-INCH WATER LINE ALONG CITY EASEMENTS FROM WILLIS ST. TO IMPERIAL VALLEY DR.; 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, CONSTRUCTION MANAGEMENT, CONSTRUCTION PROGRAM MANAGEMENT SERVICES, AND CONTINGENCIES RELATING TO CONSTRUCTION OF FACILITIES FINANCED BY THE HPW-NETL CONSTRUCTION FUND, WATER AUTHORITIES CAPITAL CONTRIBUTION-NETL FUND, WATER AND SEWER

[Handwritten Initials]

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 \$31,495,587.80 is appropriated for construction of the project described in the title, the sum of \$944,884.81 is appropriated for CIP cost recovery relating to construction of facilities financed by the funds described in such title, the sum of \$1,574,779.39 is appropriated for contingency, the sum of \$620,000.00 is appropriated for testing services under Outline Agreement No. **4600014309**, the sum of \$606,448.00 is appropriated as funding for construction program management services under Outline Agreement No. **4600014513**, and the sum of \$1,221,000.00 is appropriated as funding for construction management under Outline Agreement No. **4600015461**. 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 responsible bid was submitted by the bidder named in the title hereof in the amount of \$31,495,587.80. 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 responsible 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 4th day of November, 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 NOV 10 2020.

Pat J. Hamel
City Secretary

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

(Contact: Kevin Tran, P.E.)
(Phone: 832-395-2242)

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.

10-16-20
Date

Yvonne J. Stewart
Legal Assistant

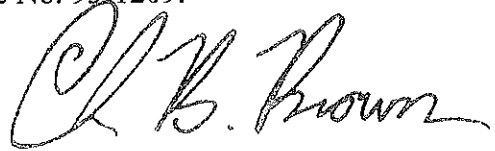
CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: NOV 10 2020

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 **\$944,884.81** 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 **\$944,884.81** 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 **\$944,884.81** 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.



City Controller *James Pelt*

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	

FUNDING SOURCE:

\$15,155,451.74 transfer from Fund No. 8426 – NETL Expansion – SWIFT into Fund No. 8508 – HPW-NETL Construction Fund and Appropriate from Fund No. 8508 - HPW-NETL Construction Fund

\$20,362,363.45 from Fund No. 8507 - Water Authorities Capital Contribution-NETL Fund