


TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Award Construction Manager at Risk Contract Manhattan Construction Company Southwest Police Station WBS No. G-000125-0001-4	Page 1 of 2	Agenda Item
FROM (Department or other point of origin): General Services Department	Origination Date	Agenda Date
DIRECTOR'S SIGNATURE: Scott Minnix  2/13/14	Council District affected: K	
For additional information contact: Jacquelyn L. Nisby  Phone: 832.393.8023	Date and identification of prior authorizing Council action:	
RECOMMENDATION: Award Construction Manager at Risk contract and appropriate funds for the project.		

Amount and Source of Funding: \$67,000.00 Police Consolidated Construction Fund (4504)	Finance Budget:
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SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a Construction Manager at Risk Contract (CMAR) to Manhattan Construction Company to provide pre-construction and construction phase services for the Southwest Police Station for the Houston Police Department (HPD). The requested appropriation will fund pre-construction phase services. City Council will be requested to appropriate funds for construction phase services under a separate Council action.

On July 26, and August 2, 2013, GSD advertised a Request for Qualifications containing selection criteria that ranked the respondents on experience, technical approach and quality assurance program. The Statements of Qualifications (SOQ) were due on August 29, 2013, and seven firms responded. GSD evaluated the respondents and interviewed the four highest ranked firms. Subsequently, GSD invited the three firms that ranked highest in combined scores from the SOQ evaluation and interview to submit proposals. Manhattan Construction Company submitted the best proposal and offers the best value for the City based on the advertised criteria.

PROJECT LOCATION: 13099 Nitida St. (571 H and M)

PROJECT DESCRIPTION: The project involves the ground up construction of a 50,000 square foot police station. The new police station will be located at Cambridge Village Park. The scope of work includes all structure, parking, foundation, detention, mechanical, electrical and plumbing systems, furniture, landscaping, irrigation, an adjacent road for public use, and all other related items.

The project will utilize the Leadership in Energy & Environmental Design (LEED™) Green Building Rating System for New Construction & Major Renovations (LEED-NC) Version 3.0 to obtain certification.

REQUIRED AUTHORIZATION		CUIC ID # 25CONS239
General Services Department:  Richard A. Vella Chief of Design & Construction Division	Houston Police Department: Charles A. McClelland, Jr. Chief of Police	

Date	SUBJECT: Award Construction Manager at Risk Contract Manhattan Construction Company Southwest Police Station WBS No. G-000125-0001-4	Originator's Initials JW	Page 2 of 2
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AWARD: It is recommended that City Council award a CMAR Contract to Manhattan Construction Company and appropriate funds for pre-construction phase services.

FUNDING SUMMARY:

\$ 42,000.00	Pre-Construction Services
\$ 25,000.00	Pre-Construction Phase Additional Services
\$ 67,000.00	Total Funding

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' Ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

HIRE HOUSTON FIRST: This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the department is utilizing the CMAR delivery method for this project.

ORZ
JW

SM:JLN:RAV:CRC:JW:jw

c: Marta Crinejo, Kirk Munden, Jacquelyn L. Nisby, Calvin Curtis, Morris Scott, Martha Leyva

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.
- (x) A certificate with respect to the money required for the expenditure or expenditures specified below is attached hereto and incorporated herein by this reference.
- () Other - Grant Funds Available

Ronald C. Shro
City Controller of the City of Houston, Texas

Date: 2-24, 2014 City Controller of the City of Houston, Texas

4504-1000-320126

FUND REF:

AMOUNT:

\$67,000.00

ENCUMB. NO.:

48-5246

OA 46-12544

FMBB 3-15440

City of Houston, Texas Ordinance No.

2014-167

AN ORDINANCE APPROPRIATING THE SUM OF \$67,000.00 OUT OF THE POLICE CONSOLIDATED CONSTRUCTION FUND AND AWARDDING A CONSTRUCTION MANAGER AT RISK CONTRACT TO MANHATTAN CONSTRUCTION COMPANY FOR SOUTHWEST POLICE STATION; CONTAINING PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

* * * *

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

FORM 254.M
(Approp/Award)

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.

Section 2. Having duly advertised for and received requests for qualification for the work described in the title of this ordinance, the City Council hereby finds and determines that the respondent named in the title hereof is the respondent that offers the best value to the City. The contract for said work is hereby awarded to said respondent.

Section 3. 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 upon receipt of all required contract documents, including but not limited to insurance certificates in the form required by the contract. If Contractor fails to provide such required contract documents within 30 days after the effective date of this ordinance, Council's approval of the contract shall automatically be rescinded and the contract may not be executed by the Mayor without further council action. 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 4. 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 5. 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 6. 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.

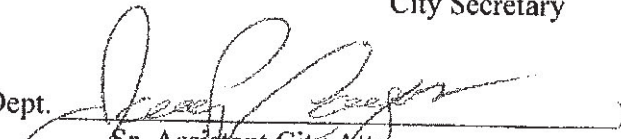
PASSED AND ADOPTED this 26th day of February, 2014.

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 MAR 04 2014.


 City Secretary

(Prepared by Legal Dept. 
 (JPC/dw 02/18/14) Sr. Assistant City Attorney
 (Requested by Scott Minnix, Director, General Services Department)
 (L.D. File No. 053-1300002-001)


G:\CONTRACT\JPC\ORDINANCES\2014 Ordinances\MIAMI LATTAN CONSTR CO.CMAR award k. approp. funds.docx


AYE	NO	
✓		MAYOR PARKER
....	COUNCIL MEMBERS
✓		STARDIG
✓		DAVIS
✓		COHEN
✓		BOYKINS
✓		MARTIN
✓		NGUYEN
✓		PENNINGTON
✓		GONZALEZ
✓		GALLEGOS
✓		LASTER
✓		GREEN
		ABSENT OR PERSONAL BUSINESS
✓		COSTELLO
✓		ROBINSON
✓		KUBOSH
✓		BRADFORD
✓		CHRISTIE
CAPTION	ADOPTED	

CERTIFICATE OF CITY CONTROLLER

I, Ronald C. Green, 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 **\$67,000.00** required for the project referenced in the title of this ordinance, do hereby certify as follows:

- (1) The sum of **\$67,000.00** will be funded from public improvement bond proceeds and/or public improvement commercial paper proceeds (first-in-first-out basis) pursuant to Ordinance No. 94-405 authorizing the creation of the Police 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.
- (2) To the extent that the **\$67,000.00** will be paid by commercial paper proceeds, funds will be received into the treasury and available before the maturity of said obligation, and such 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 pursuant to the General Obligation Commercial Paper Ordinance, Ordinance No. 93-1149.



City Controller 


Police.Cer

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Appropriate Additional Funds to Construction Manager at Risk Contract Manhattan Construction Company Southwest Police Station WBS Nos: G-000125-0001-4 & D-670001-0001-4	Page 1 of 2	Agenda Item
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FROM (Department or other point of origin): General Services Department	Origination Date	Agenda Date
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DIRECTOR'S SIGNATURE: Scott Minnix <i>7, 21, 15</i> 	Council District(s) affected: K
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For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832.393.8023	Date and identification of prior authorizing Council action: Ordinance No. 2014-167; February 26, 2014
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RECOMMENDATION: Appropriate additional funds for construction.

Amount and Source of Funding: \$ 19,749,375.00 - Police Consolidated Construction Fund (4504)	Finance Budget:
Previous Funding: \$67,000.00 Police Consolidated Construction Fund (4504)	


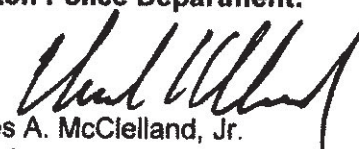
SPECIFIC EXPLANATION: On February 26, 2014, Ordinance No. 2014-0167, City Council awarded a Construction Manager at Risk (CMAR) contract to Manhattan Construction Company to provide pre-construction and construction phase services for a new Southwest Police Station for the Houston Police Department (HPD), and appropriated \$67,000.00 for pre-construction phase services. The General Services Department recommends that City Council appropriate an additional \$17,440,000.00 to the CMAR contract with Manhattan Construction Company for construction phase services.

PROJECT LOCATION: 13099 Nitida St. (571 H and M)

PROJECT DESCRIPTION: The project involves the ground up construction of a 50,000 square foot police station. The new police station will be located at Cambridge Village Park. The scope of work includes all structure, parking, foundation, detention, mechanical, electrical and plumbing systems, furniture, landscaping, irrigation, an adjacent road for public use, a fleet maintenance building, playground improvements for the park and all other related items.

The project will utilize the Leadership in Energy & Environmental Design (LEED™) Green Building Rating System for New Construction & Major Renovations (LEED-NC) Version 3.0 to obtain certification.

The anticipated contract duration for this project is 450 calendar days. The design consultant is a joint venture between RdIR Architects, Inc. and Roth+Sheppard Architects, LLP.

REQUIRED AUTHORIZATION		CUIC ID # 25CONS281
General Services Department:  Richard A. Vella Chief of Design & Construction Division	Houston Police Department: <i>JK</i>  Charles A. McClelland, Jr. Chief of Police	

Date	SUBJECT: Appropriate Additional Funds to Construction Manager at Risk Contract Manhattan Construction Company Southwest Police Station WBS Nos: G-000125-0001-4 & D-670001-0001-4	Originator's Initials JW	Page 2 of 2
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FUNDING SUMMARY: It is recommended that City Council appropriate funds for construction phase services, including additional appropriations of \$90,000.00 for engineering testing services under the existing contract with Terracon Consultants, Inc.; \$80,000.00 for construction inspection services under the existing contract with Brian Smith Construction Inspection, Inc.; and \$100,833.00 for additional design services under the existing contract with RdIR Architects, Inc. and Roth+Sheppard Architects, LLP for an expanded fleet maintenance building. It is further recommended that City Council appropriate \$695,000.00 for furniture and equipment and \$165,000.00 for IT/telephones/computers. These items will be purchased through existing citywide contracts, and various vendors through the issuance of purchase orders in amounts of \$50,000 or less for non-IT purchases; \$300,000 or less for IT purchases under the Texas Department of Information Resources (DIR) contract; and purchase orders authorized by City Council.

The following amounts for construction and contingency are based on the construction manager's estimate of costs. The final cost of construction will be submitted to the director for approval as part of the Guaranteed Maximum Price (GMP) proposal.

\$ 17,440,000.00	Estimated Construction Cost(Estimate)
\$ 873,342.00	5% Contingency (Estimate)
\$ 18,313,342.00	Total Estimated Contract Services
\$ 100,833.00	Additional Design Services
\$ 695,000.00	Furniture and Equipment
\$ 165,000.00	IT/Telephones/Computers
\$ 90,000.00	Engineering Testing
\$ 80,000.00	Inspection Services
\$ 305,200.00	Civic Art (1.75%)
\$ 19,749,375.00	Total Funding

CONSTRUCTION GOALS: An 18% MBE goal and 10% WBE goal have been established for the construction phase of this contract. The construction manager will submit the list of proposed certified sub-contractors with the issuance of the GMP proposal.

SM:JLN:RAV:CRC:JW:jw

c: Marta Crinejo, Jacquelyn L. Nisby, Morris Scott, Matt Slinkard, Stephen Hanner, Vic Ayers, Minnette Boesel, Maricela Kruseman, Calvin R. Curtis, Gabriel Mussio, Felicia Williams, File

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 herein by this reference.
- () Other - Grant Funds Available

Ronald C. Hunt
General Bolt

Date: 8-10, 2015

City Controller of the City of Houston, Texas

4504-100-520121, 520755, 520106
561010, 520900, 520111
FUND REF: 520110

19,749,375.00

FR 3-360
ENCUMB. NO.: 3-0383

OP 46-12544

FMS 3-17612

City of Houston, Texas Ordinance No. 2015-776

AN ORDINANCE APPROPRIATING THE SUM OF \$19,749,375.00 OUT OF THE POLICE CONSOLIDATED CONSTRUCTION FUND TO A CONTRACT BETWEEN CITY OF HOUSTON AND MANHATTAN CONSTRUCTION COMPANY (AS APPROVED BY ORDINANCE NO. 2014-167) FOR CONSTRUCTION OF THE SOUTHWEST POLICE STATION; PROVIDING FUNDING FOR ADDITIONAL DESIGN SERVICES, FURNITURE, EQUIPMENT, INFORMATION TECHNOLOGY, TELEPHONE, COMPUTERS, ENGINEERING TESTING, INSPECTION SERVICES, AND THE CIVIC ART PROGRAM; AND DECLARING AN EMERGENCY.

* * * *

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

Section 1. The City Council hereby appropriates or allocates 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 and signature page as follows: The sum of \$18,313,342.00 to Manhattan Construction Company for construction of the Project described in the title; the sum of \$90,000.00 to Terracon Consultants, Inc. under Outline Agreement No. 4600011715 for engineering testing services; the sum of \$80,000.00 to Brian Smith Construction Inspection, Inc. for construction inspection services under Outline Agreement No. 4600012420; the sum of \$305,200.00 is appropriated as funding for Civic Art Program; the sum of \$100,833.00 to RdIR Architects, Inc. and Roth+Sheppard Architects, LLP under Outline Agreement No. 4600012518 for additional design services; the sum of \$695,000.00 for furniture and equipment through the issuance of purchase orders in amounts of \$50,000.00 or less; and the sum of \$165,000.00 for Information Technology, telephone and computers under the Texas Department of Information Resources (DIR) contract through the issuance of purchase orders in amounts of \$300,000.00 or less.

Section 2. The appropriations or allocations in Section 1 are contingent on City Council first making a determination under Chapter 26 of the Texas Parks and Wildlife Code that there is no feasible and prudent alternative use of Cambridge Village Park and all reasonable planning to minimize harm to the land will be undertaken. None of the sums of money set out in the title or Section 1 of this Ordinance may be paid out or expended until such determination becomes final.

Section 3. 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 the 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, City of Houston Charter.

PASSED AND ADOPTED this 12th day of August, 2015.

APPROVED this _____ day of _____, 2015.

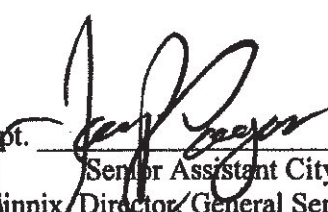
Mayor of the City of Houston

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

AUG 18 2015



City Secretary

(Prepared by Legal Dept. )
(JPC/jpc 08/11/15) Senior Assistant City Attorney
(Requested by Scott Minnix, Director, General Services Department)
(L.D. File No.0531300002002)


CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: AUG 18 2015

CERTIFICATE OF CITY CONTROLLER

I, Ronald C. Green, 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 **\$19,749,375.00** required for the project referenced in the title of this ordinance, do hereby certify as follows:

- (1) The sum of **\$19,749,375.00** will be funded from public improvement bond proceeds and/or public improvement commercial paper proceeds (first-in-first-out basis) pursuant to Ordinance No. 94-405 authorizing the creation of the Police 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.
- (2) To the extent that the **\$19,749,375.00** will be paid by commercial paper proceeds, funds will be received into the treasury and available before the maturity of said obligation, and such 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 pursuant to the General Obligation Commercial Paper Ordinance, Ordinance No. 93-1149.



City Controller 


AYE	NO	
/		MAYOR PARKER
....	COUNCIL MEMBERS
/		STARDIG
/		DAVIS
/		COHEN
/		BOYKINS
/		MARTIN
/		NGUYEN
/		PENNINGTON
/		GONZALEZ
/		GALLEGO ^S
/		LASTER
/		GREEN
/		COSTELLO
/		ROBINSON
/		KUBOSH
/		BRADFORD
/		CHRISTIE
CAPTION	ADOPTED	

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Approve and Authorize a First Amendment to Construction Manager at Risk Contract and De-appropriate/Appropriate Funds Manhattan Construction Company Southwest Police Station WBS No. G-000125-0001-4 & D-670001-0001-4	Page 1 of 1	Agenda Item
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FROM (Department or other point of origin): General Services Department	Origination Date	Agenda Date
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DIRECTOR'S SIGNATURE:  C.J. Messiah, Jr., Interim Director 4.25.17	Council District(s) affected: K
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For additional information contact: Jacquelyn L. Nisby  Phone: 832.393.8023	Date and identification of prior authorizing Council action: Ordinance No. 2014-167; February 26, 2014 Ordinance No. 2015-776; August 12, 2015
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RECOMMENDATION: Approve an Ordinance (1) authorizing a first amendment to the Construction Manager at Risk (CMAR) contract with Manhattan Construction Company; (2) de-appropriating the sum of \$695,000.00 for furniture and equipment; and (3) appropriating an equivalent amount to the CMAR contract with Manhattan Construction Company for the project.

Amount and Source of Funding: De-appropriate/Appropriate: \$695,000.00 - Police Consolidated Construction Fund (4504)	Finance Budget:
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SPECIFIC EXPLANATION: On February 26, 2014, Ordinance No. 2014-167, City Council awarded a CMAR contract to Manhattan Construction Company (Manhattan) for the construction of a new Southwest Police Station. On August 12, 2015, City Council appropriated funds for construction services and \$695,000.00 for the purchase of furniture and equipment through various vendors under the TXMAS contract.

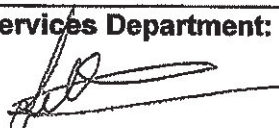

TXMAS has recently introduced new vendor requirements rendering some vendors ineligible until they are in compliance. The TXMAS vendors selected to provide the furniture for this project are ineligible to participate at this time. However, the contractor can purchase the equipment from the selected vendors at an equivalent price. Therefore, the General Services Department recommends that City Council de-appropriate \$695,000.00, pre-encumbered for the issuance of purchase orders for furniture and equipment, and appropriate the equivalent amount to the construction contract with Manhattan to purchase the furniture and equipment and perform the additional scope of work, which will exceed the original 5% contingency. It is further recommended that City Council approve a First Amendment to the construction contract with Manhattan to increase the director's authority to approve Change Orders up to 9.0% of the original contract price.

PROJECT LOCATION: 13099 Nitida St (571 H and M)

CONSTRUCTION GOALS: The original contract has an 18.0% MBE goal and 10.0% WBE goal. To date, Manhattan has achieved 16.3% MBE participation and .09% WBE participation. It is anticipated that Manhattan will achieve the goals by the completion of the original contract.

CIP FISCAL NOTE: There is no estimated impact to the operating and maintenance costs related to this expenditure. Therefore, no Fiscal Note is required as stated in the Financial Policy Ordinance No. 2014-1078.

CJM:JLN:RAV:CRG:jw
 c: Marta Crinejo, Jacquelyn L. Nisby, Morris Scott, Matt Slinkard, Jim Hudkins, Veronica Lizama, Martha Leyva, File

REQUIRED AUTHORIZATION		CUIC ID # 25CONS323
General Services Department:  Richard A. Vella, Assistant Director Real Estate, Design & Construction	4/20/17	Houston Police Department:  Art Acevedo Chief of Police

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

4600012544
2017-0383

**FIRST AMENDMENT TO
CONSTRUCTION MANAGER AT RISK CONTRACT**

THIS FIRST AMENDMENT ("Amendment") to the **CONSTRUCTION MANAGER AT RISK CONTRACT** dated February 26, 2014 and approved by City Council by Ordinance No. 2014-167 ("Agreement") is made on the below countersignature date ("Amendment Effective Date") between the **CITY OF HOUSTON, TEXAS** ("City"), a home-rule city of the State of Texas, and **MANHATTAN CONSTRUCTION COMPANY**, a corporation authorized to do business in the state of Texas ("Contractor"). City or Contractor may be referred to individually as a "Party" or collectively as the "Parties."

In accordance with Section 13.10.1 of Document 00700, General Conditions, of the Agreement, the Parties agree to amend the Agreement as follows:

A. INCREASE OF CHANGE ORDER AUTHORITY

Section 7.1.2 of Document 00700, General Conditions, is deleted in its entirety, and the following new Section 7.1.2 is substituted in its place.

- 7.1.2 The following types of Change Orders require City Council approval:
- 7.1.2.1 a single Change Order that exceeds nine percent (9%) of Original Contract Price,
 - 7.1.2.2 a Change Order which, when added to previous Change Orders, exceeds nine percent (9%) of Original Contract Price,
 - 7.1.2.3 a Change Order, in which the total value of increases outside of the general scope of work approved by City Council, when added to increases outside the general scope of work approved by City Council in previous Change Orders, exceeds forty percent (40%) of the Original Contract Price, even if the net increase to the Original Contract Price is nine percent (9%) or less. In this context, "increase" means an increase in quantity resulting from the addition of locations not within the scope of work approved by City Council, or the addition of types of goods or services not bid as unit price items.

Nothing in this Section is intended to permit an increase of the Contract Price in excess of the limit set out in TEX. LOC. GOV'T CODE ANN. §252.048 or its successor statute.

B. INTERPRETATION OF AMENDMENT

All terms not defined in this Amendment shall have the meaning given them in the Agreement. If a conflict arises between the meaning of this Amendment and the Agreement, the terms of this Amendment shall control.

C. SIGNATURES

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

ATTEST/SEAL (if a corporation):

MANHATTAN CONSTRUCTION COMPANY
"Contractor"

WITNESS (if not a corporation):

By: Leslie Raub
Name: Leslie Raub
Title: Executive Assistant

By: Mark Penny
Name: Mark Penny
Title: Senior Vice President
Tax Identification No.: 13-0338330



ATTEST/SEAL:

CITY OF HOUSTON, TEXAS

"City"

Signed by:

Amelia Pasall
City Secretary

Amanda Washington
Mayor

APPROVED

COUNTERSIGNED BY:

CJ Messiah Jr.
CJ Messiah Jr., Interim Director
General Services Department

Cliff Brown
City Controller

APPROVED AS TO FORM:

DATE COUNTERSIGNED:

Erud M. Hawes
Senior Assistant City Attorney
L.D. File No. 053130002003

6-8-17
"Amendment Effective Date"

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.
- (X) A certificate with respect to the money required for the expenditure or expenditures specified below is attached hereto and incorporated herein by this reference.
- () Other - Grant Funds Available

[Handwritten Signature]
Sharon Cole

Date: May 23, 2017

City Controller of the City of Houston, Texas

FUND REF: ⁴⁵⁰⁴⁻¹⁰⁰⁰⁻⁵²⁰⁷⁵⁵ 4504-1000-551010 AMOUNT: ^{\$495,000.00} ~~695,000.00~~ ENCUMB. NO.: 3-3660
 40-12544
 FMBB # 3-19857

City of Houston Ordinance No. 2017-383

AN ORDINANCE DE-APPROPRIATING THE SUM OF \$695,000.00 OUT OF THE POLICE CONSOLIDATED CONSTRUCTION FUND (APPROVED BY ORDINANCE NO. 2014-167); APPROPRIATING THE SUM OF \$695,000.00 OUT OF THE POLICE CONSOLIDATED CONSTRUCTION FUND; APPROVING AND AUTHORIZING A FIRST AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK CONTRACT BETWEEN THE CITY OF HOUSTON AND MANHATTAN CONSTRUCTION COMPANY FOR THE SOUTHWEST POLICE STATION; 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 hereby de-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.

Section 2. 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 for the purpose or purposes set out in such title.

Section 3. The City Council hereby approves and authorizes this First Amendment as 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 4. 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 31st day of May, 2017.

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 JUN 06 2017.



City Secretary

(Prepared by Legal Dept. Carol M. Howard)
(EMH/sjl 04/18/2017) Sr. Assistant City Attorney
(Requested by C.J. Messiah, Jr., Interim Director, General Services Department)
(L.D. File No. 0531300002003)

CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: JUN 06 2017

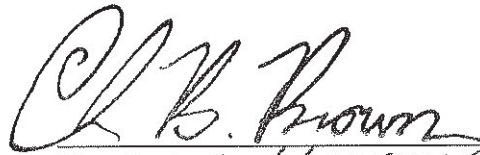
AYE	NO	
✓		MAYOR TURNER
....	COUNCIL MEMBERS
✓		STARDIG
✓		DAVIS
✓		COHEN
ABSENT		BOYKINS
✓		MARTIN
✓		LE
✓		TRAVIS
✓		CISNEROS
✓		GALLEGOS
✓		LASTER
✓		GREEN
✓		KNOX
✓		ROBINSON
ABSENT		KUBOSH
✓		EDWARDS
✓		CHRISTIE
CAPTION	ADOPTED	

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 \$695,000.00 required for the project referenced in the title of this ordinance, do hereby certify as follows:

- (1) The sum of \$695,000.00 will be funded from public improvement bond proceeds and/or public improvement commercial paper proceeds (first-in-first-out basis) pursuant to Ordinance No. 94-405 authorizing the creation of the Police 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.

- (2) To the extent that the \$695,000.00 will be paid by commercial paper proceeds, funds will be received into the treasury and available before the maturity of said obligation, and such 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 pursuant to the General Obligation Commercial Paper Ordinance, Ordinance No. 93-1149.


City Controller *Shannon Hale*
5-23-17

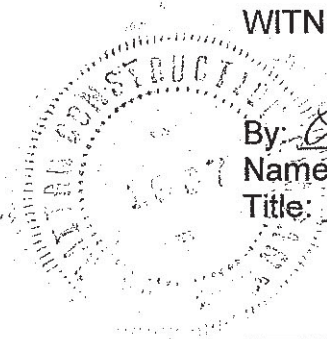
C. SIGNATURES

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

ATTEST/SEAL (if a corporation):

MANHATTAN CONSTRUCTION COMPANY
"Contractor"

WITNESS (if not a corporation):



By: Leslie Raulb
Name: Leslie Raulb
Title: Executive Assistant

By: [Signature]
Name: Mark Penny
Title: Senior Vice President
Tax Identification No.: 13-0338330

ATTEST/SEAL:

CITY OF HOUSTON, TEXAS
"City"
Signed by:

City Secretary

Mayor

APPROVED:

[Signature]
CJ Messiah Jr., Interim Director
General Services Department

COUNTERSIGNED BY:

City Controller

APPROVED AS TO FORM:

[Signature]
Senior Assistant City Attorney
L.D. File No. 053130002003

DATE COUNTERSIGNED:

"Amendment Effective Date"