

Controller's Office

CONTROLLER'S

14 OCT -8 AM 11:05

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

Date: _____, 20____

City Controller of the City of Houston, Texas

FUND REF: _____ **AMOUNT:** _____ **ENCUMB. NO.:** _____

City of Houston, Texas Ordinance No.: _____

AN ORDINANCE AWARDED A CONTRACT TO ISI CONTRACTING, INC. FOR CONCRETE AND ASPHALT RESTORATION (BSB); 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 ENGINEERING TESTING SERVICES AND CONTINGENCIES RELATING TO THE CONSTRUCTION OF FACILITIES; 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 allocates out of the FY15 Water and Sewer System Operating Fund the sum of \$883,847.83 for ISI Contracting, Inc. described in the title and the sum of \$40,000.00 for contingencies. City Council further allocates the sum of \$25,000.00 for Engineering Testing Services under Outline Agreement No. 4600012058.

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 \$2,651,543.50 (which amount is only an estimate if unit prices are included in the bid proposal of the 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 the Department of Public Works and Engineering (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. The City Council hereby approves and authorizes the construction contract described in the title of this ordinance, in form prepared by the Department of Public Works and Engineering 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 4. The original allocation plus all supplemental allocations ("Maximum Contract Amount") for the ISI Contracting, Inc. contract awarded hereby shall never exceed \$2,846,543.10 unless and until this sum is increased by ordinance of City Council. Such limitation is not applicable in the event that Council appropriates additional funding.

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 ___ day of _____, 20__.

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 _____.

City Secretary

Requested by: Dale Rudick, P.E., Acting Director (Contact: Rudy Galvan)
Dept. of Public Works and Engineering (Phone: 832-395-5280)

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.

10-8-14
Date

Brenda Lee
Legal Assistant