

RESOLUTION NO. 23-R-118

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS INCREASING THE NOT TO EXCEED AMOUNT FOR THE CONSTRUCTION CONTRACT WITH INTERMOUNTAIN SLURRY SEAL, INC. TO ONE HUNDRED NINETY SIX THOUSAND, SIX HUNDRED SIXTEEN AND 25 ONE HUNDRETH DOLLARS FOR THE 2023 STREET RESURFACING PROJECT

WHEREAS, City Staff developed a street resurfacing project for various City streets to further the overall goal of the City of Schertz to preserve the streets in the City; and

WHEREAS, on August 15, 2023 the City Council of the City of Schertz Approved Resolution 23-R-77, Authorizing a construction contract with Intermountain Slurry Seal, Inc in the amount of \$190,000.00 and a not to exceed amount of \$195,000.00 for the 2023 Street Resurfacing Project; and

WHEREAS, the project was constructed and the total amount of slurry seal needed to complete the project exceeded the contract plan quantity; and

WHEREAS, the increased slurry seal quantity caused the total construction cost to be \$196,616.25, which exceeds the previously approved not to exceed amount established by Resolution 23-R-77; and

WHEREAS, funding is available to cover the additional 1,616.25 for the slurry seal overage from excess funding for one of the other FY 22-23 street projects (2023 Windy Meadows Overlay);

WHEREAS, the City Council of the City of Schertz wishes to increase the not to exceed amount for the construction contract for the 2023 Street Resurfacing Project with Intermountain Slurry Seal, Inc to fully fund the final construction cost of the project.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby increases the not to exceed cost of the construction contract with Intermountain Slurry Seal Inc., to **ONE HUNDRED NINETY SIX THOUSAND, SIX HUNDRED SIXTEEN AND 25 ONE HUNDRETHS DOLLARS** (\$196,616.25) for the 2023 Street Resurfacing Project.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this ____ day of _____, 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary