

November 10, 2008

WHEREAS, in the 2003 Bond Program, the voters of Dallas approved funding for infrastructure improvements for the Dallas Center for the Performing Arts; and,

WHEREAS, on May 25, 2005, Resolution No. 05-1625 authorized the negotiation of a comprehensive agreement for the development and operation of a performing arts complex; and,

WHEREAS, on September 28, 2005, Resolution No. 05-2859 authorized a development agreement with the Dallas Center for the Performing Arts Foundation, Inc., an independent non-profit foundation for the construction and development of a multi-venue performing arts complex in the Downtown Arts District, consisting of the Winspear Opera House, the Wyly Theater, the Grand Plaza, a 600-space underground parking garage, Annette Strauss Artist Square and a use agreement with the Dallas Center for the Performing Arts Foundation, Inc., (DCPAF); and,

WHEREAS, on March 8, 2006, Resolution No. 06-0850 authorized a contract for construction of storm drainage and water and wastewater mains for Flora Street from Leonard Street to Routh Street, Jack Evans Street from Woodall Rodgers Freeway to Ross Avenue, and Leonard Street from Flora Street to Ross Avenue with AUI Contractors, L.P., in the amount of \$1,989,886.80, and the assignment of the construction administration to the Dallas Center for the Performing Arts Foundation, Inc., as the City's agent and construction manager; and,

WHEREAS, on May 10, 2006, Resolution No. 06-1369 authorized an increase in appropriations in the amount of \$200,000 to fund future change orders and authorized Change Order No. 1 for the construction of storm drainage and water and wastewater mains for Flora Street from Leonard Street to Routh Street, Jack Evans Street from Woodall Rodgers Freeway to Ross Avenue, and Leonard Street from Flora Street to Ross Avenue with AUI Contractors, L.P., in the amount of \$20,363.33, increasing the contract from \$1,989,886.80 to \$2,010,250.13, and the assignment of the construction administration to the Dallas Center for the Performing Arts Foundation, Inc., as the City's agent and construction manager; and,

WHEREAS, on June 28, 2006, Resolution No. 06-1698 authorized Change Order No. 2 with AUI Contractors, L.P., in the amount of \$133,305.00, increasing the contract from \$2,010,253.12 to \$2,143,555.13, assigned to the Dallas Center for Performing Arts Foundation, Inc., for construction management, for the construction of an additional storm sewer main on the south side of Woodall Rodgers Freeway for the utility infrastructure project at the Dallas Center for the Performing Arts, Phase I; and,

WHEREAS, on August 21, 2006, Administrative Action No. 06-2167 authorized Change Order No. 3 to the contract with AUI Contractors, L.P., in the amount of \$23,153.00, increasing the contract from \$2,143,555.13 to \$2,166,708.13; and,

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WHEREAS, on October 12, 2006, Administrative Action No. 06-2896 authorized Change Order No. 4 to the contract with AUI Contractors, L.P., in the amount of \$23,155.00, increasing the contract from \$2,166,708.13 to \$2,189,863.13; and,

WHEREAS, on December 13, 2006, Resolution No. 06-3441 authorized Change Order No. 5 to the contract with AUI Contractors, L.P., in the amount of \$217,375.42, increasing the contract from \$2,189,863.13 to \$2,407,238.55, assigned to Dallas Center for Performing Arts Foundation, Inc., for construction management, for the construction of pavement repair for the Dallas Center for the Performing Arts, Phase I, utility infrastructure improvements; and,

WHEREAS, on December 12, 2007, Resolution No. 07-3726 authorized a contract with MACVAL Associates, in the amount of \$179,915.00, for the construction of Temporary Paving, Drainage and Structural Improvements, Phase 2A on Jack Evans Street from Woodall Rodgers service road to Flora Street and Flora Street from Jack Evans Street to Routh Street and, additionally, to assign the construction contract to the Dallas Center for the Performing Arts Foundation Inc., as the City's agent and construction manager for all purposes, including inspection, supervision and coordination; and,

WHEREAS, on October 2, 2008, bids were received for the construction of paving, drainage and streetscape improvements for the Dallas Center for the Performing Arts, Phase 2B at Flora Street from Crockett Street to Routh Street, Leonard Street from Flora Street to Ross Avenue and Jack Evans Street from Woodall Rodgers service road to Ross Avenue as follows:

BIDDERS**BID AMOUNT**

McMahon Contracting, L.P.	\$3,062,071.15
Gibson Associates	\$3,113,935.94
AUI Contractors, L.P.	\$3,507,368.75
Austin Bridge & Road	\$3,964,289.45
Texas Standard Construction	\$4,046,388.00
FAIN	\$4,322,742.48

WHEREAS, it is desirable to enter into a contract with McMahon Contracting, L.P., for the construction of paving, drainage and streetscape improvements for the Dallas Center for the Performing Arts, Phase 2B at Flora Street from Crockett Street to Routh Street, Leonard Street from Flora Street to Ross Avenue and Jack Evans Street from the Woodall Rodgers service road to Ross Avenue in an amount not to exceed \$3,062,071.15, and additionally to assign the construction contract to the Dallas Center for the Performing Arts Foundation, Inc., as the City's agent and construction manager for all purposes, including inspection, supervision and coordination.

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Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That a contract is hereby awarded to McMahon Contracting, L.P., for the construction of paving, drainage and streetscape improvements for the Dallas Center for the Performing Arts, Phase 2B at Flora Street from Crockett Street to Routh Street, Leonard Street from Flora Street to Ross Avenue and Jack Evans Street from the Woodall Rodgers service road to Ross Avenue in an amount not to exceed \$3,062,071.15, this being the lowest responsible bid received as indicated by the tabulation of bids.

Section 2. That in accordance with the development agreement authorized by Resolution No. 05-2859, the contract is assigned to the Dallas Center for the Performing Arts Foundation, Inc., for construction management as the City's agent and construction manager for all purposes, including inspection, supervision and coordination of construction work of paving, drainage and streetscape improvements for the Dallas Center for the Performing Arts, Phase 2B on Jack Evans Street from Woodall Rodgers Service Road to Flora Street and Flora Street from Jack Evans Street to Routh Street.

Section 3. That the City Controller is authorized to disburse funds in accordance with the terms and conditions of the construction contract and the development agreement from:

Arts Theater Fund
Fund 6R07, Dept. PBW, Unit R742, Act. CULF
Obj. 4510, Program #PB03R742, CT PBW03R742B1
Vendor #VS0000004959, in an amount not to exceed \$3,062,071.15

Section 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Modesta Pena, OCMC, Room 307
Office of Cultural Affairs
City Attorney's Office
Controller's Office, Sherrian Parham, 4BN

APPROVED BY
CITY COUNCIL

NOV 10 2008


City Secretary