

December 11, 2024

WHEREAS, on March 9, 2022, the City Council authorized a construction services contract with Ark Contracting Services, LLC for the installation of water and wastewater mains at seven locations, in an amount not to exceed \$24,930,109.00, by Resolution No. 22-0477; and

WHEREAS, Ark Contracting Services, LLC began work at Garland Road/St. Francis Avenue/San Fernando Way/San Rafael Drive for the installation of a 30-inch diameter wastewater main, and subsequently failed to complete the work in accordance with the construction contract; and

WHEREAS, the City of Dallas terminated the construction services contract with Ark Contracting Services, LLC on August 30, 2024, due to the contractor's breach of the contract; and

WHEREAS, Atlantic Specialty Insurance Company (the "Surety") notified the City of Dallas on October 8, 2024 that they will not assume the contract or sublet the remaining work; and

WHEREAS, to preserve property of the City of Dallas and public health and safety it is critical that the City of Dallas proceed with an emergency procurement for the installation of a wastewater interceptor in Garland Road/St. Francis Avenue/San Fernando Way/San Rafael Drive in accordance with City of Dallas Administrative Directive 4-05; and

WHEREAS, the City of Dallas solicited bids from three contractors with a history of completing similar work, including one minority contractor, to complete the remaining work at Garland Road/St. Francis Avenue/San Fernando Way/San Rafael Drive, and

WHEREAS, on November 5, 2024, three bids were received for the installation of a wastewater interceptor in Garland Road/St. Francis Avenue/San Fernando Way/San Rafael Drive, Contract No. 24-540, listed as follows:

<u>Bidders</u>	<u>Bid Amount</u>
Muniz Construction, Inc.	\$7,557,510.00
SYB Construction Company	\$8,290,871.00
John Burns Construction Company of Texas, LLC	\$9,931,972.00

WHEREAS, the bid submitted by Muniz Construction, Inc., 1835 Garden Springs Drive, Dallas, Texas 75253, in the amount of \$7,557,510.00, is the lowest responsible bid.

Now, Therefore,

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

December 11, 2024

SECTION 1. That the City Manager is hereby authorized to execute a construction services contract with Muniz Construction, Inc., approved as to form by the City Attorney, for the installation of a wastewater interceptor in Garland Road/St. Francis Avenue/San Fernando Way/San Rafael Drive, in an amount not to exceed \$7,557,510.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$7,557,510.00 to Muniz Construction, Inc. from Wastewater Capital Improvement G Fund, Fund 5116, Department DWU, Unit PS40, Object 4510, Program 724540, Encumbrance/Contract No. DWU-2025-00026506, Vendor VS0000016417.

SECTION 3. 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.