

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

ORDINANCE

**AWARDING THE 2024 PAVEMENT PRESERVATION PACKAGE 3
- ONYX SEAL TASK ORDER CONTRACT TO CLARK
CONSTRUCTION OF TEXAS, INC. IN AN AMOUNT NOT TO
EXCEED \$2,435,350.00. FUNDS ARE AVAILABLE FROM THE
GENERAL FUND AND THE ADVANCED TRANSPORTATION
DISTRICT FUND INCLUDED IN THE FY 2024 – FY 2029 CAPITAL
IMPROVEMENTS PROGRAM.**

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WHEREAS, the FY 2024 budget contains \$116 million budget for the Street Maintenance Program (SMP). The \$116 million will be comprised of \$13.7 million in-house and \$102.3 million contractual street maintenance projects; and

WHEREAS, this ordinance authorizes one contract for FY 2024 totaling \$2,435,350.00, for the construction of street maintenance projects. As part of the department's continuing efforts to expedite project delivery and complete infrastructure projects, the task order contract will enable Public Works to execute multiple projects delivered through the Street Maintenance Program (SMP). Additional contracts are scheduled to be awarded at a later date for the remaining Street Maintenance Program; and

WHEREAS, this project was advertised on August 9, 2023 and two (2) bids were received and opened on October 10, 2023, with Clark Construction of Texas, Inc. submitting the lowest responsive bid; and

WHEREAS, this contract is within the scope of the Small Business Economic Development Advocacy (SBEDA) Program. However, due to lack of available firms and/or subcontracting opportunities, the Goal Setting Committee was unable to apply a SBEDA tool to this contract; and

WHEREAS, this ordinance accepts the lowest responsive bid and awards the 2024 Pavement Preservation Package 3 – Onyx Seal Task Order Contract to Clark Construction of Texas, Inc. in an amount not to exceed \$2,435,350.00. Funds are available from the General Fund and the Advanced Transportation District Fund included in the FY 2024 – FY 2029 Capital Improvements Program; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or designee, or the Director of the Public Works Department or designee, is authorized to accept the lowest responsive bid and awards the 2024 Pavement Preservation Package 3 – Onyx Seal Task Order Contract to Clark Construction of Texas, Inc. in

the total amount of \$2,435,350.00 to complete street maintenance projects identified in the Street Maintenance Program.

SECTION 2. Funding for this ordinance will be identified when work orders are issued. If funding for any work orders is not previously appropriated, funding will be identified and appropriated through subsequent City Council action. Payment is limited to the amounts budgeted in the Operating, Grants, and/or Capital Budget funding sources identified. All expenditures will comply with Operating, Grants, and/or Capital Budgets for current and future fiscal years.

SECTION 3. Payment not to exceed \$2,435,350.00 is authorized to be encumbered with purchase orders and made payable to Clark Construction of Texas, Inc. for the 2024 Pavement Preservation Package 4. Payment is in support of Project 23-04129, FY 2024 Street Maintenance Program (SMP) using WBS 23-04129-05-05-02-01-04 with GL Account 5201140. Funding is provided by Tax Notes, CO Bonds, General Fund and ATD Fund and is in the FY 24-FY 29 CIP Budget.

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 5. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this ____ day of January, 2024.

M A Y O R
Ron Nirenberg

ATTEST: APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney