

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

ORDINANCE

AWARDING THE 2024 STREET REHABILITATION TASK ORDER CONTRACT PACKAGE 8 TO H. L. ZUMWALT CONSTRUCTION, INC. IN AN AMOUNT NOT TO EXCEED \$9,825,519, OF WHICH \$316,315 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM (SAWS) AND \$14,107.50 WILL BE REIMBURSED BY CPS ENERGY FOR NECESSARY ADJUSTMENTS TO THEIR EXISTING INFRASTRUCTURE. FUNDS ARE AVAILABLE FROM THE FY 2024 GENERAL FUND, ADVANCED TRANSPORTATION DISTRICT FUND, 2022 GENERAL OBLIGATION BOND PROGRAM, DEBT PROCEEDS, AND OTHER FUNDING SOURCES INCLUDED IN THE FY 2024 – FY 2029 CAPITAL IMPROVEMENT PROGRAM

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WHEREAS, as part of the FY 2024 Budget, adopted on September 14, 2023, City Council approved a \$116 million budget for the Street Maintenance Program (SMP), of which total \$102 million is allocated based on 100% street condition per City Council District and \$14 million funded in the 2022 Bond Program is allocated based on 50% street network size and 50% street condition per City Council District; and

WHEREAS, this ordinance authorizes one contract for FY 2024 totaling \$9,825,519.00 for the construction of street maintenance projects; and

WHEREAS, as part of the department’s continuing efforts to expedite project delivery and complete infrastructure projects, this task order contract will enable Public Works to execute multiple projects delivered through the SMP; and

WHEREAS, the 2024 Street Rehabilitation Task Order Contract Package 8 includes but is not limited to the reconstruction of a street’s base structure, asphalt surface overlay, wheelchair ramp improvements, and any other required work to complete the SMP projects located throughout the City, and may also include SAWS and CPS utility infrastructure adjustments and associated work where required; and

WHEREAS, pursuant to Ordinance No. 2016-04-07-0240 as well as San Antonio City Code Sec. 37-3(c)(2), Sec. 29-110, Sec. 29-162, and Sec. 29-164, SAWS and CPS will be responsible for all costs and cost overages related to their utility work, including but not limited to providing the precise location of its facilities in City’s right of way, either by delivering accurate maps and records or by performing or reimbursing City for Subsurface Utility Engineering (“SUE”); and

WHEREAS, this project was advertised for construction bids on April 12, 2024, and five (5) bids were received and opened on April 30, 2024, of which H.L. Zumwalt Construction, Inc., submitted the lowest responsive bid; and

WHEREAS, this contract will be awarded in compliance with the Small Business Economic Development Advocacy (SBEDA) Program, which requires contracts to be reviewed by a Goal Setting Committee to establish a requirement and/or incentive unique to the particular contract to maximize small, minority, and women-owned business participation. The Goal Setting Committee set a 18% Minority/Women Business Enterprise (M/WBE) subcontracting goal. San Antonio Concepts Construction, LLC has committed to meeting the subcontractor participation goals; and

WHEREAS, this vendor has acknowledged to comply with the Heat Illness Prevention Ordinance, approved on August 31, 2023 through Ordinance #2023-08-31-0585; and

WHEREAS, this ordinance accepts the lowest responsive bid and awards the 2024 Street Rehabilitation Task Order Contract Package 8 to H. L. Zumwalt Construction, Inc. in an amount not to exceed \$9,825,519.00, of which \$316,315.00 will be reimbursed by San Antonio Water System (SAWS), and \$14,107.50 will be reimbursed by CPS Energy for necessary adjustments to their existing infrastructure; **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 award the 2024 Street Rehabilitation Task Order Contract Package 8 to H. L. Zumwalt Construction, Inc. in an amount not to exceed \$9,825,519.00, of which \$316,315.00 will be reimbursed by San Antonio Water System (SAWS), and \$14,107.50 will be reimbursed by CPS Energy for necessary adjustments to their existing infrastructure.

SECTION 2. Funds in the amount of \$160,000.00 are available in Fund 40099000, Project 23-04129, WBS Element 23-04129-10-05-02-01 and GL Account 5201140.

SECTION 3. Funds in the amount of \$840,000.00 are available in Fund 40099000, Project 23-04129, WBS Element 23-04085-10-05-02-01 and GL Account 5201140.

SECTION 4. Funds in the amount of \$255,677.50 are available in Fund 40099000, Project 23-04129, WBS Element 23-04129-10-05-02-02-11 and GL Account 5201245.

SECTION 5. Funds in the amount of \$60,637.50 are available in Fund 40099000, Project 23-04129, WBS Element 23-04129-10-05-02-02-12 and GL Account 5201245.

SECTION 6. Funds in the amount of \$14,107.50 are available in Fund 40099000, Project 23-04129, WBS Element 23-04129-10-06-06 and GL Account 5201245.

SECTION 7. Funds in the amount of \$2,795,096.50 are available in Fund 45099000, Project 23-03875, WBS Element 23-03875-11-05-02-01 and GL Account 5201140.

SECTION 8. Funds in the amount of \$1,100,000.00 are available in Fund 45099000, Project 23-03877, WBS Element 23-03877-02-05-02-01 and GL Account 5201140.

SECTION 9. Funds in the amount of \$1,500,000.00 are available in Fund 45099000, Project 23-03877, WBS Element 23-03877-09-05-02-01 and GL Account 5201140.

SECTION 10. Funds in the amount of \$3,100,000.00 are available in Fund 45099000, Project 23-03881, WBS Element 23-03881-10-05-02-01 and GL Account 5201140.

SECTION 11. Payment not to exceed \$9,825,519.00 is authorized to be encumbered with a purchase order and made payable to H. L. Zumwalt Construction, Inc. Payment is in support of various street rehabilitation projects. Funding is provided by the General Fund, Advanced Transportation District funds, General Obligation bond funds, Certificates of Obligation bond funds, Tax Notes and Right of Way funds and is included in the FY 2024 - FY 2029 CIP Budget. \$316,315.00 will be reimbursed by San Antonio Water System and \$14,107.50 will be reimbursed by CPS Energy. These reimbursements are authorized to be appropriated into Project 23-04129.

SECTION 12. 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 13. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 20th day of June, 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney