

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

ORDINANCE

AWARDING THE 2024 STREET REHABILITATION TASK ORDER CONTRACT PACKAGE 9 TO H.L. ZUMWALT CONSTRUCTION, INC. IN AN AMOUNT NOT TO EXCEED \$9,255,570.75, OF WHICH \$103,530.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM AND \$3,701.25 WILL BE REIMBURSED BY CPS ENERGY FOR NECESSARY ADJUSTMENTS TO THEIR EXISTING INFRASTRUCTURE. FUNDS ARE AVAILABLE FROM THE 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, 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 \$9,255,570.75 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, the 2024 Street Rehabilitation Task Order Contract Package 9 includes but is not limited to the repair 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

WHEREAS, this project was advertised on October 6, 2023 and four (4) bids were received and opened on November 17, 2023, with H.L. Zumwalt Construction, Inc. submitting the lowest responsive bid; and

WHEREAS, H.L. Zumwalt Construction, Inc. has committed to meeting 9% Minority/Women Business Enterprise (M/WBE) subcontracting goal and a 3% African American Business Enterprise (AABE) subcontracting goal set by the Small Business Economic Development Advocacy (SBEDA) Program Goal Setting Committee; and

WHEREAS, this ordinance accepts the lowest responsive bid and awards the 2024 Street Rehabilitation Task Order Contract Package 9 to H.L. Zumwalt Construction, Inc. in an amount

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not to exceed \$9,255,570.75, of which \$103,530.00 will be reimbursed by San Antonio Water System (SAWS), and \$3,701.25 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 accept the lowest responsive bid and awards the 2024 Street Rehabilitation Task Order Contract Package 9 to H.L. Zumwalt Construction, Inc. in an amount not to exceed \$9,255,570.75, of which \$103,530.00 will be reimbursed by San Antonio Water System (SAWS), and \$3,701.25 will be reimbursed by CPS Energy for necessary adjustments to their existing infrastructure 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 \$9,255,570.75 is authorized to be encumbered with purchase orders and made payable to H.L. Zumwalt Construction, Inc. for the 2024 Street Rehabilitation program. Payment is in support of Project 23-04129 FY 2024 Street Maintenance Program (SMP) using WBS 23-04129-10-05-02-01 with GL Account 5201140. Funding is provided by Certificates of Obligation, Tax Notes, General Fund and ATD Fund and is in the FY 2024 - FY 2029 CIP Budget. Reimbursement of \$103,530.00 will be received from SAWS and reimbursement of \$3,701.25 will be received from CPS.

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 February, 2024.

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Ron Nirenberg

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ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

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