

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

**ORDINANCE**

**AWARDING A CONSTRUCTION CONTRACT TO D&S  
CONCRETE CONTRACTORS LLC IN THE AMOUNT NOT TO  
EXCEED \$597,113 FOR THE CONSTRUCTION OF THE BITTERS  
ROAD & SILVERHORN DRIVE RETAINING WALL  
REPLACEMENT PROJECT LOCATED IN COUNCIL DISTRICT 9.  
FUNDS ARE AVAILABLE FROM THE 2017 GENERAL  
OBLIGATION BOND AND GREAT AMERICAN INSURANCE  
FUNDS INCLUDED IN THE FY 2025 CAPITAL BUDGET.**

\* \* \* \* \*

**WHEREAS**, \$5,080,000 of the voter-approved 2017 Bond Program was allocated for the Bitters Road Intersection and Sidewalk Improvements Project located in Council District 9; and

**WHEREAS**, on July 22, 2021, the City of San Antonio terminated the construction contract with the original contractor, All In Construction, LLC, because requirements were not met in accordance with the General Conditions of the contract. As a result of the termination and as part of the Performance Bond, payment was made to the City of San Antonio from the Great American Insurance Company (GAIC) for damages incurred due to the original contractor not fulfilling the contract requirements. Additionally, the City was required to obtain a new contractor to complete the remaining work. The City used an on-call construction contractor to complete the project; and

**WHEREAS**, during the construction phase of the aforementioned project, a 350-foot-long crib-lock retaining wall was identified at the southwest corner of Bitters Road and Silverhorn Drive. Structural Engineering Associates, Inc. completed a retaining wall erosion evaluation in the Summer of 2021. As a result of the erosion evaluation, it was identified that the existing wall needed replacement; and

**WHEREAS**, on June 20, 2024, through Ordinance 2024-06-20-0468, the City Council approved a task order to a Job Order Contract with HJD Capital for the Bitters Road Wall Replacement in the amount of \$700,000.00. During discussions and a walkthrough with the contractor to finalize the work scope and associated traffic control restrictions and accommodations, the contractor raised significant concerns about completing the work within the requested timeframe. The contractor rescinded their proposal, resulting in staff advertising for the Bitters Road Wall Replacement Project; and

**WHEREAS**, the Bitters Road & Silverhorn Drive Retaining Wall Replacement project will replace the 350-foot-long crib lock wall at the southwest corner of Bitters Road and Silverhorn Drive with a concrete block retaining wall system widely used in Texas Department of

Transportation (TxDOT) projects. Along the new concrete block retaining wall, a sidewalk, curb, and metal beam guard fence will also be replaced. Construction is anticipated to begin in Winter 2024 and is estimated to be completed by Spring 2025; and

**WHEREAS**, this project was advertised on October 4, 2024 and three (3) bids were received and opened on November 5, 2024, with D&S Concrete Contractors LLC submitting the lowest responsive bid; and

**WHEREAS**, D&S Concrete Contractors LLC has committed to meeting the Small Business Economic Development Advocacy (SBEDA) Program Goal Setting Committee's 12% Minority Women-Owned Business (M/WBE) and 2% African American Owned Business Enterprise (AABE) subcontracting goals; and

**WHEREAS**, this Ordinance accepts the lowest responsive bid and awards a construction contract to D&S Concrete Contractors LLC in the amount of \$597,113 to D&S Concrete Contractors LLC for the construction of the Bitters Road & Silverhorn Drive Retaining Wall Replacement project. An incentive totaling in an amount up to \$30,000 has been budgeted and will be granted at a rate of \$1,000 for each calendar day the project is complete before the scheduled 90-day completion date. Funds are available from the 2017 General Obligation Bond and Great American Insurance funds included in the FY 2025 Capital Budget. **NOW THEREFORE:**

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

**SECTION 1.** The task order to the Job Order Contract with HJD Capital for the Bitters Road Wall Replacement Project and appropriation of funds for the task order authorized by Ordinance 2024-06-20-0468 are rescinded.

**SECTION 2.** The City Manager or designee, or the Director of the Public Works Department or designee, is authorized to award a construction contract in the amount of \$597,113 to D&S Concrete Contractors LLC for the construction of the Bitters Road & Silverhorn Drive Retaining Wall Replacement project. An incentive totaling in an amount up to \$30,000 has been budgeted and will be granted at a rate of \$1,000 for each calendar day the project is complete before the scheduled 90-day completion date.

**SECTION 3.** The City Manager or designee, or the Director of the Public Works Department or designee, is further authorized to execute any and all necessary documents to effectuate said agreement.

**SECTION 4.** Funds for this ordinance in the amount of \$261,865.14 is available in Fund 45099000, Project 23-01560, WBS Element 23-01560-05-02-01 and GL Account 5201140.

**SECTION 5.** Funds for this ordinance in the amount of \$335,247.86 is available in Fund 45099000, Project 23-01560, WBS Element 23-01560-05-02-01 and GL Account 5201140.

**SECTION 6.** Payment not to exceed \$597,113.00 is authorized to be encumbered with a purchase order and made payable to D&S Concrete Contractors. Payment is in support of the construction of the Bitters Road & Silverhorn Drive Retaining Wall Replacement project. Funding is provided by General Obligation bond funds and insurance proceeds and is included in the FY 2025 Capital Budget.

**SECTION 7.** 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 8.** This Ordinance shall be effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

**PASSED and APPROVED** this \_\_\_\_ day of December, 2024.

**M A Y O R**  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

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Debbie Racca-Sittre, City Clerk

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Andrew Segovia, City Attorney