

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

ORDINANCE

AUTHORIZING THE NEGOTIATION AND EXECUTION OF NINE (9) JOB ORDER CONTRACTS WITH AMSTAR, INC.; BELT BUILT CONTRACTING LLC; CON-COR, INC.; HJD CAPITAL ELECTRIC, INC.; JAMAIL & SMITH CONSTRUCTION, LP; LEE CONSTRUCTION AND MAINTENANCE COMPANY (DBA LMC); OMEGA GC LLC; THE SABINAL GROUP, L.L.C.; AND TRITON DESIGN AND CONSTRUCTION LLC/LOYOLA CONSTRUCTION, LLC-JV; FOR THE PROVISION OF A JOB ORDER CONTRACTING (JOC) PROGRAM AS AN ALTERNATIVE PROJECT DELIVERY METHOD FOR INCIDENTAL DEMOLITION, CONSTRUCTION, REPAIR, REHABILITATION, ALTERATION, AND DEFERRED MAINTENANCE ON CITY-OWNED AND LEASED BUILDINGS, PARKS, AND OTHER FACILITIES OF INTEREST TO THE CITY. EACH CONTRACT IS FOR AN INITIAL TERM OF TWO YEARS WITH AN OPTION TO RENEW FOR THREE ADDITIONAL ONE-YEAR EXTENSIONS AT THE CITY'S DISCRETION WITH A \$120,000,000 SPENDING AUTHORITY DISTRIBUTED AMONG THE NINE (9) SELECTED CONTRACTORS.

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WHEREAS, a Job Order Contract (JOC) is an Indefinite Delivery Indefinite Quantity (IDIQ) construction delivery method authorized under Chapter 2269, Subchapter J of the Texas Government Code that allows facility projects to be completed through a readily available, competitively awarded contract. Facility projects include building and park maintenance, repairs, renovations, and minor construction improvements; and

WHEREAS, JOC method is an innovative contracting technique created specifically for facility maintenance and construction services. Using a JOC contract allows minor facility improvements to be completed quicker than traditional methods, which have long lead times for procurement and awarding a contract. JOC enables construction companies to build their business and establish a professional and reliable relationship with the City. As facility improvement needs are identified, the City may assign task orders to an awarded JOC contractor; and

WHEREAS, on August 29, 2024, through Ordinance 2024-08-29-0632, the task order threshold amount issued requiring City Council approval under the JOC program was modified to the statutory limit of \$500,000 in accordance with Texas Government Code Section 2269.403; and

WHEREAS, a Request for Competitive Sealed Proposals (RFCSP) was published on April 5, 2024, with responses due on July 30, 2024. Sixteen (16) responsive submittals were received. A selection committee consisting of representatives from the City Manager's Office, Public Works,

Building & Equipment Services, Parks & Recreation, and Human Services evaluated and ranked the submissions and scored the proposals. Scoring was based on the published evaluation criteria, which included Experience, Background, and Qualifications of Respondent, Subcontractors, and Key Personnel with Job Order Contracting, Understanding of the JOC Program and Proposed Management Plan, Construction Experience in the San Antonio Region & Past Performance, Coefficient Proposal, and participation in the SBE & M/WBE, ESBE Prime Contract Programs. The proposed contractors received the highest ratings from the selection committee; and

WHEREAS, these contracts will be awarded in compliance with the Small Business Economic Development Advocacy (SBEDA) Program, which requires contracts be reviewed by a Goal Setting Committee to establish a requirement and/or incentive unique to the particular contract to maximize the amount of small, minority, and women-owned business participation on the contract. The Goal Setting Committee applied the Emerging Small Business Enterprise Program with 10 Evaluation preference points, Small Business Enterprise Prime Contract Program with 5 Evaluation preference points and Minority/Women-Owned Business Enterprise Prime Contract Program with 5 Evaluation preference points. Additionally, the Goal Setting Committee set 24% Minority/Women Business Enterprise (M/WBE) and 3% African American Business Enterprise (AABE) subcontracting goals. All proposed contractors have committed to meeting these goals; and

WHEREAS, the Audit Committee received a pre solicitation briefing on March 12, 2024 and a post solicitation briefing on October 8, 2024; and

WHEREAS, no funds are encumbered by this council action item. Requirements and associated work activities will be detailed in individual task orders. The City makes no minimum guarantee regarding the volume of work. Funding for these contracts may include but is not limited to, the General Fund, Certificates of Obligation, Tax Notes, or other funding sources. If funding for any work activities is not previously appropriated, funding will be identified and appropriated through subsequent City Council action; and

WHEREAS, this ordinance authorizes the negotiation and execution of nine (9) Job Order Contracts (JOCs) with Amstar, Inc.; Belt Built Contracting LLC; Con-Cor, Inc.; HJD Capital Electric, Inc.; Jamail & Smith Construction, LP; Lee Construction and Maintenance Company (dba LMC); Omega GC LLC; The Sabinal Group, L.L.C.; and Triton Design and Construction LLC/Loyola Construction, LLC-JV; for the provision of Job Order Contracting (JOC) program as an alternative project delivery method for incidental demolition, construction repair, rehabilitation, alteration, and deferred maintenance on City-owned and leased buildings, parks, and other facilities of interest to the City. Each contract is for an initial term of two years with an option to renew for three additional one-year extensions at the City's discretion with \$120,000,000 spending authority distributed amongst the nine (9) contractors; **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 negotiation and execution of nine (9) Job Order Contracts (JOCs) with Amstar, Inc.; Belt Built Contracting LLC; Con-Cor, Inc.; HJD Capital Electric, Inc.; Jamail &

Smith Construction, LP; Lee Construction and Maintenance Company (dba LMC); Omega GC LLC; The Sabinal Group, L.L.C.; and TTriton Design and Construction LLC/Loyola Construction, LLC-JV. Each JOC contract is for an initial term of two years with an option to renew for three additional one-year extensions at the City's discretion with a \$120,000,000 spending authority distributed among the nine (9) selected contractors, for on-call construction and professional services.

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. Any extensions will be contingent upon additional City Council approval.

SECTION 3. Payment not to exceed \$120,000,000.00 to be distributed among the nine (9) selected contractors is authorized to be encumbered with purchase orders and made payable to the various contractors within this ordinance for incidental demolition, construction, repair, rehabilitation, alteration, and deferred maintenance on City-owned and leased buildings, parks, and other facilities of interest to the City.

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 October, 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney