

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

ORDINANCE

ALIGNING THE THRESHOLD FOR COUNCIL APPROVAL OF INDIVIDUAL JOB ORDER CONTRACTING TASK ORDER TO THE STATUTORY LIMIT, INCREASING THE SPENDING AUTHORIZATION FOR THE JOB ORDER CONTRACTING PROGRAM BY \$24,000,000, AND AMENDING THE JOB ORDER CONTRACTING PROGRAM AGREEMENTS TO ADD ADDITIONAL SPENDING AUTHORITY FOR EIGHT JOB ORDER CONTRACTORS: ALPHA BUILDING CORPORATION, LEE CONSTRUCTION AND MAINTENANCE COMPANY, AMSTAR, INC., CON-COR, INC., BELT BUILT CONTRACTING, LLC., THE SABINAL GROUP, LLC., TEJAS PREMIERE BUILDING CONTRACTOR, INC., AND HJD CAPITAL ELECTRIC, INC ., FOR THE REMAINING AGREEMENT TERMS.

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WHEREAS, the City’s Public Works Department (PWD) administers the Job Order Contracting (JOC) Program, an Indefinite Delivery/Indefinite Quantity (IDIQ) alternative project delivery method for construction, renovation, rehabilitation, and maintenance projects that provides project services based on an agreed standard price. The JOC delivery method is recognized as an ideal project delivery method to complete multiple repair and renovation projects easily and quickly; and

WHEREAS, because the JOC Program is an IDIQ delivery method, it is not linked to a specific budget allocation, and there is no obligation for the City to provide any work to an approved JOC Contractor. The actual budget allocation for JOC task orders comes from other Council approved budgets, such as an annual department budget or approved bond projects; and

WHEREAS, the JOC program was solicited by a Request for Competitive Sealed proposals advertised on March 25, 2021, seeking up to eight contractors for a JOC program term of four (4) total years, with a two year base term and two (2) 1-year extensions, at an estimated program budget of \$96,000,000; and

WHEREAS, On February 17, 2022, through ordinance 2022-02-17-0107, Council approved the current JOC Program, authorizing a total program budget of \$72,000,000 for contracting with eight selected contractors: Alpha Building Corporation, Amstar, Inc., Belt Built Contracting, LLC., Con-Cor, Inc., HJD Capital Electric, Inc., Lee Construction and Maintenance Company, Tejas Premiere Building Contractor, Inc., and The Sabinal Group, LLC. The terms of the contract were for a one-year base term, with two (2) optional 1-year discretionary extensions for a total of three (3) years; and

WHEREAS, Ordinance 2022-02-17-0107 increased the threshold for City Council approval of individual task orders from \$100,000 to \$250,000. Staff recommended the threshold increase to expedite delivery of projects and align with JOC practices in other Texas cities.; and

WHEREAS, Texas Government Code Section 2269.403(c) allows for administrative approval of individual JOC task orders up to \$500,000, double the current authorization from Ordinance 2022-02-17-0107; and

WHEREAS, the current JOC spending authority is projected to reach its capacity many months prior to the expiration of the final contract term in March 2025, with over \$40,000,000 expended and eighteen (18) months remaining in the existing program; and

WHEREAS, the JOC program advertised a maximum aggregate contract price of \$96,000,000 in accordance with Texas Government Code Section 2269.403(b), but Council only authorized \$72,000,000, leaving a gap of \$24,000,000 in unused capacity; and

WHEREAS, Ordinance 2022-02-17-0107 authorized a \$3,000,000 annual and \$9,000,000 contract caps for each contractor, which divided the authorized budget between eight contractors, but will leave unused capacity when dividing the remaining funds between seven contractors for the remaining term; and

WHEREAS, this Ordinance authorizes an amendment to the spending authorization for the JOC program increasing the capacity from \$72,000,000 to \$96,000,000, and eliminating the annual and contract caps for each contractor. This Ordinance further increases the administrative approval threshold for task orders to the \$500,000 limit authorized by state law; and

WHEREAS, the 24% Minority/Women Business Enterprise (M/WBE) and a 3% African American Business Enterprise (AABE) subcontracting goals established by the Small Business Economic Development Advocacy (SBEDA) Program will continue; **NOW THEREFORE:**

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

SECTION 1. The spending authority for the Job Order Contracting Program approved by Ordinance 2022-02-17-0107 is increased in the amount of \$24,000,000 to an amount not to exceed \$96,000,000.

SECTION 2. The City Manager or designee, or the Director of the Public Works Department or designee, is authorized to approve individual task orders for the Job Order Contracting Program approved by Ordinance 2022-02-17-0107 in an amount up to and including \$500,000.

SECTION 3. The City Manager or designee, or the Director of the Public Works Department or designee, is authorized to execute amendments to the Job Order Contracting Agreements, increasing the contract capacity to the total program authorization, and eliminating the \$3,000,000 annual and \$9,000,000 per contract limits for the following previously qualified JOC contractors:

Alpha Building Corporation, Amstar, Inc., Belt Built Contracting, LLC., Con-Cor, Inc., HJD Capital Electric, Inc., Lee Construction and Maintenance Company, Tejas Premiere Building Contractor, Inc., and The Sabinal Group, LLC.

SECTION 4. Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

SECTION 5. [Reserved for Finance/OMB]

SECTION 6. [Reserved for Finance/OMB]

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

PASSED AND APPROVED this __th day of September, 2023.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney