

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

ORDINANCE

AWARDING THE 2025 STREET REHABILITATION TASK ORDER CONTRACT PACKAGE 2 TO CLARK CONSTRUCTION OF TEXAS, INC. IN AN AMOUNT NOT TO EXCEED \$8,111,371, OF WHICH \$144,250 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM (SAWS) AND \$10,000 WILL BE REIMBURSED BY CPS ENERGY FOR NECESSARY ADJUSTMENTS TO THEIR EXISTING INFRASTRUCTURE. FUNDING WILL BE AVAILABLE FROM THE GENERAL FUND, THE ADVANCED TRANSPORTATION DISTRICT FUND, DEBT PROCEEDS, OR OTHER FUNDING SOURCES CONTINGENT UPON THE APPROVAL OF THE FY 2025 PROPOSED BUDGET

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WHEREAS, as part of the FY 2024 Budget, City Council will be considering the approval of a \$122 million budget for the Street Maintenance Program (SMP), of which total \$102 million would be allocated based on 100% street condition per City Council District and \$20 million funded in the 2022 Bond Program would be 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 \$8,111,371 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 2025 Street Rehabilitation Task Order Contract Package 2 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 June 14, 2024, and three (3) bids were received and opened on July 19, 2024, of which Clark Construction of Texas, 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 and will 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 2025 Street Rehabilitation Task Order Contract Package 2 to Clark Construction of Texas, Inc. in an amount not to exceed \$8,111,371, of which \$144,250 will be reimbursed by San Antonio Water System (SAWS), and \$10,000 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 2025 Street Rehabilitation Task Order Contract Package 2 to Clark Construction of Texas, Inc. in an amount not to exceed \$8,111,371, of which \$144,250 will be reimbursed by San Antonio Water System (SAWS), and \$10,000 will be reimbursed by CPS Energy for necessary adjustments to their existing infrastructure.

SECTION 2. Funds in the amount of \$7,957,121.00 are contingent upon City Council approval of the FY 2025 Budget in Fund 40099000, Project 23-04184, WBS Element 23-04184-xx-05-02-01 and GL Account 5201140.

SECTION 3. Funds in the amount of \$33,750.00 are contingent upon City Council approval of the FY 2025 Budget in Fund 40099000, Project 23-04184, WBS Element 23-04184-xx-xx-xx-xx-xx and GL Account 5201245.

SECTION 4. Funds in the amount of \$110,500.00 are contingent upon City Council approval of the FY 2025 Budget in Fund 40099000, Project 23-04184, WBS Element 23-04184-xx-xx-xx-xx-xx and GL Account 5201245.

SECTION 5. Funds in the amount of \$10,000.00 are contingent upon City Council approval of the FY 2025 Budget in Fund 40099000, Project 23-04184, WBS Element 23-04184-xx-xx-xx-xx-xx and GL Account 5201245.

SECTION 6. Payment not to exceed \$8,111,371.00 is authorized to be encumbered with a purchase order and made payable to Clark Construction of Texas, Inc. Payment is in support of various street improvements and flatwork projects. Funding is provided by the General Fund and Advanced Transportation District funds and is contingent upon City Council approval of the FY 2025 Budget. \$144,250.00 will be reimbursed by San Antonio Water System and \$10,000.00 will be reimbursed by CPS Energy. These reimbursements are authorized to be appropriated into Project 23-04184.

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 19th day of September, 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney