

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

**ORDINANCE**

**APPROVING AN AMENDMENT TO INCREASE THE CONTRACT SPENDING AUTHORIZATION CAPACITY FOR THE JOB ORDER CONTRACTS (JOCS) PROGRAM IN THE AMOUNT OF \$24,000,000, AMENDING THE ASSOCIATED JOC AGREEMENTS TO INCREASE SPENDING AUTHORIZATION CAPACITY WITH 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. AND, APPROVING THE RECOMMENDATION TO INCREASE THE TASK ORDER AMOUNT THRESHOLD ISSUED UNDER THE JOC PROGRAM REQUIRING CITY COUNCIL APPROVAL FROM \$250,000.00 TO THE STATUTORY LIMIT OF \$500,000.00 IMPOSED BY TEXAS GOVERNMENT CODE SECTION 2269.403.**

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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) construction delivery method 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. The JOC delivery method is governed under Chapter 2269, Subchapter J of the Texas Government Code; and

**WHEREAS**, the 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 a traditional method that takes time to procure and award to a contractor. JOC enables construction companies to build their business and establish a professional and reliable relationship with the City; and

**WHEREAS**, as facility improvement needs are identified, the City may assign task orders to an awarded JOC contractor. Section 2269.403 of the Texas Government Code requires City Council approval of any task order that exceeds \$500,000.00. City Ordinance 2022-02-17-0107, approved on February 17, 2022 set a lower threshold, requiring Council approval for any task order that exceeds \$250,000.00; and

**WHEREAS**, the JOC program was advertised as a four-year program with \$96,000,000 in spending authority distributed among eight selected contractors. Ordinance 2022-02-17-0107 limited the program terms to three years and \$72,000,000 of spending authority 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. Ordinance 2022-02-17-0107 also increased the threshold for City Council approval of individual task orders from \$100,000 to \$250,000. Staff recommended the threshold increase to expedite the delivery of projects and align with JOC practices in other Texas cities; and

**WHEREAS**, Ordinance 2022-02-17-0107 created an annual limit of spending authority of \$3,000,000 and a total program limit of \$9,000,000 for each contractor. This amendment revises the program spending authority total amount and the limits on each contractor to allow maximum flexibility for using JOCs on the projected work for the remaining term of the JOC Program. The former annual contract limits will be repealed, and any unused capacity will be administered in accordance with this amendment. The other terms of the JOC agreement, such as participating in the Small Business Economic Development Advocacy (SBEDA) Program, will continue to apply; and

**WHEREAS**, under the current JOC program stand-alone projects in excess of \$250,000 accomplished through the JOC Program require council action. This Ordinance will increase the City Council approval threshold for JOC task orders from \$250,000 to the statutory limit of \$500,000 in accordance with Texas Government Code Section 2269.403. This increase expedites delivery of projects and align practices with other Texas cities of similar size who have already increased their administrative approval threshold to statutory limit; and

**WHEREAS**, the current spending authorization for the JOC program is projected is projected to reach its capacity before the expiration of the last term of the contract on March 1, 2025, requiring additional spending authority to meet the projected JOC use during the remaining eighteen months of program capacity; and

**WHEREAS**, staff recommends approving an amendment to increase the contract spending authorization capacity for the Job Order Contracts (JOCs) Program in the amount of \$24,000,000, amending the associated JOC agreements to increase spending authorization capacity and eliminating the \$3,000,000 annual and \$9,000,000 per contract limits for 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; and approving the recommendation to increase the task order amount threshold issued under the JOC program requiring City Council approval from \$250,000.00 to statutory limit of \$500,000.00 in accordance with Texas Government Code Section 2269.403;  
**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 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 2.** The requirement that each Job Order Contract (JOC) authorized by Ordinance 2022-02-17-0107 is limited to \$3,000,000 annually and for a total amount of \$9,000,000 is eliminated.

**SECTION 3.** An amendment to increase the contract spending in the amount of \$24,000,000.00 is authorized to 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 on-call construction and professional services.

**SECTION 4.** 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 5.** 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 6.** 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 November, 2023.**

**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