

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

ORDINANCE

**APPROVING THE EXECUTION OF A CONSTRUCTION
MANAGER AT RISK (CMAR) CONTRACT WITH F.A. NUNNELLY
COMPANY FOR PRE-CONSTRUCTION AND CONSTRUCTION
PHASE SERVICES IN AN AMOUNT NOT TO EXCEED \$17,815,020
FOR THE ELLA AUSTIN COMMUNITY CENTER RENOVATION
PROJECT, LOCATED IN COUNCIL DISTRICT 2. FUNDS ARE
AVAILABLE FROM THE 2022 GENERAL OBLIGATION BOND
PROGRAM AND THE INNER CITY TAX INCREMENT
REINVESTMENT ZONE TIRZ NO. 11**

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WHEREAS, on May 7, 2022, voters approved the 2022 Bond Program, which authorized \$11,500,000 for the Ella Austin Community Center Renovation project in Council District 2, originally Ralph Waldo Emerson Junior High School, which was constructed in 1923, and has provided a wide range of services to the local community, including early childhood, youth, seniors, and family services; and

WHEREAS, the Ella Austin Community Center consists of five (5) structures spanning 63,000 square feet, including the main building, gym and annex, senior center, metal storage building, and a modular building; and

WHEREAS, this project consists of the demolition of several existing buildings on the campus, full renovation of the two-story, approximately 39,894 square feet main building, cosmetic renovation of the auditorium, partial renovation of the existing gymnasium, the construction of a new approximately 4,600 square foot Senior Center building, a new parking lot, upgrades and modifications to the existing parking lot, new vehicular drop-off, and a new central courtyard area; and

WHEREAS, on January 27, 2022, the City Council approved a funding agreement with the City of San Antonio's Department of Human Services and the Board of Directors of Inner City Tax Increment Reinvestment Zone No. 11 in a total amount not to exceed \$11,922,500 for infrastructure improvements and a feasibility study for the Ella Austin Community Center Renovation project through Ordinance 2022-01-27-0045; and

WHEREAS, the Construction Manager at Risk (CMAR) and Design Consultant will collaborate throughout the remaining design and pre-construction period and assist in project design reviews, evaluate alternatives, provide engineering recommendations, and assist the City in planning and phasing the construction work; design of this project is currently in progress; and

WHEREAS, the CMAR selection process is a two-step process: for Step I, respondents are evaluated and scored based on qualifications and then shortlisted to participate in Step II, and in Step II, the shortlisted firms are evaluated and scored based on additional requested information, interviews and proposed cost methodology; and

WHEREAS, on January 2, 2024, a CMAR Request for Qualifications (RFQ) for Step 1 was released for this project, a pre-submittal conference and site visit were held on January 17, 2024, and four responses were received and deemed responsive by the response deadline on February 16, 2024; and

WHEREAS, on May 23, 2024, a selection committee made up of representatives from the City Manager's Office, Public Works, and the Department of Human Services met for the evaluation meeting to discuss and score the four responsive submittals on March 13, 2024; three of the four firms were shortlisted and moved forward to Step 2 – Request for Proposal (RFP); and

WHEREAS, on March 22, 2024, the CMAR RFP – Step 2 was released to the shortlisted firms, and on April 16, 2024, the shortlisted firms submitted proposals for the Step 2 RFP phase and scheduled for interviews; and

WHEREAS, the evaluation committee met to interview, discuss, and score the three proposals on May 23, 2024, based on the published evaluation criteria for Step II, which included Experience; Background; Qualifications of Key Personnel and Key Sub-Consultants; General Proposed Work Plan/Approach; Experience with the San Antonio Region and Past Performance; and Small Business Economic Development Advocacy (SBEDA) Small Business Enterprise (SBE) and Minority/Women Business Enterprise (M/WBE) Prime Contract Programs; and

WHEREAS, after scoring, it was discovered that the top ranked firm contributed campaign contributions during the blackout period and was disqualified, and the second ranked firm, F.A. Nunnelly Company, was recommended for award; and

WHEREAS, a post-solicitation briefing was held with the Audit and Accountability Committee on October 8, 2024; 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 the amount of small, minority, and women-owned business participation on the contract. The Goal Setting Committee applied the Small Business Enterprise (SBE) with (5) Evaluation preference points and Minority/Women Business Enterprise (M/WBE) Prime Contract Program with (5) Evaluation preference points. Additionally, the Goal Setting Committee set A 20% M/WBE subcontracting goal and a 3% African American Business Enterprise (AABE) subcontracting goal and requires that on this project, the awarded prime consultant (s) become a mentor in the City's Mentor Protégé Program. F.A. Nunnelly Company has committed to meeting subcontractor participation goals; and

WHEREAS, this vendor has acknowledged to comply with the Heat Illness Prevention Ordinance, approved on August 31, 2023, through Ordinance #2023-08-31-0585; and

WHEREAS, this ordinance authorizes the execution of a Construction Manager at Risk contract with F.A. Nunnelly Company for pre-construction and construction phase services in an amount not to exceed \$17,815,020 for the Ella Austin Community Center Renovation project; and

WHEREAS, funds are available from the 2022 General Obligation Bond Program and the Inner City Tax Increment Reinvestment Zone TIRZ No. 11 funds; **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 execute a Construction Manager at Risk contract with F.A. Nunnelly Company for pre-construction and construction phase services in an amount not to exceed \$17,815,020 for the Ella Austin Community Center Renovation project.

SECTION 2. Funds in the amount of \$11,922,500.00 are authorized to be reduced in Fund 40099000, Project 23-03864 and reprogrammed into Fund 45099000, Project 23-04035.

SECTION 3. Funds for this ordinance in the amount of \$6,323,990.00 are available in Fund 45099000, Project 23-04035, WBS Element 23-04035-05-02-01 and GL Account 5201140.

SECTION 4. Funds for this ordinance in the amount of \$11,491,030.00 is available in Fund 40099000, Project 23-03864, WBS Element 23-04035-05-02-xx and GL Account 5201140.

SECTION 5. Payment not to exceed \$17,815,020.00 is authorized to be encumbered with a purchase order and made payable to Nunnelly General Contractor. Payment is in support for pre-construction and construction phase services. Funding is provided by General Obligation bond funds and Tax Increment Reinvestment Zone funds and is included in the FY 2025 - FY 2030 CIP Budget.

SECTION 6. 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 7. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

DAH
2/6/2025
Item No.

PASSED AND APPROVED this 6th day of February, 2025.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

DRAFT