

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

**ORDINANCE**

**AWARDING A CONSTRUCTION CONTRACT TO SUNDT CONSTRUCTION, INC. IN THE AMOUNT NOT TO EXCEED \$36,628,793.61, OF WHICH \$14,795,445.61 IS AVAILABLE FROM PREVIOUS AUTHORIZED 2017 GENERAL OBLIGATION BOND FUNDS AND \$750,000.00 FROM TREE MITIGATION FUNDS INCLUDED IN THE FY 2023 – FY 2028 CAPITAL IMPROVEMENT PROGRAM AND \$14,369,555.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM, \$1,488,793.00 WILL BE REIMBURSED BY CPS ENERGY, AND \$5,225,000.00 WILL BE FUNDED BY THE HEMISFAIR TAX INCREMENT REINVESTMENT ZONE FOR THE SOUTH ALAMO STREET (MARKET STREET TO EAST CESAR E. CHAVEZ BOULEVARD) PROJECT LOCATED IN COUNCIL DISTRICT 1; AND, AUTHORIZING THE REALLOCATION OF FUNDS IN THE AMOUNT OF \$8,000,000.00 IN HEMISFAIR TAX INCREMENT REINVESTMENT ZONE FUNDS TO SOUTH ALAMO STREET (MARKET STREET TO EAST CESAR E. CHAVEZ BOULEVARD) PROJECT OF WHICH \$5,225,000.00 WILL BE USED FOR THIS CONSTRUCTION CONTRACT AND THE REMAINING AMOUNT WILL BE USED FOR OTHER ASSOCIATED COSTS.**

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**WHEREAS**, on May 6, 2017, voters approved the 2017 Bond Program, which authorized \$9,000,000.00 for the South Alamo Street (Market Street to East Cesar E. Chavez Boulevard) project in Council District; and

**WHEREAS**, street improvements will include roadway reconstruction, drainage, traffic signals, pedestrian lighting, and landscaping. The project will also include utility upgrades to SAWS water, sewer, and chilled water mains; CPS gas and roadway lighting; as well as main extensions and services for adjacent Public-Private Partnership at Hemisfair project to include water, fire-line, wastewater, natural gas, electric and telecommunications; and

**WHEREAS**, construction is anticipated to begin in December 2022 and is estimated to be completed in December 2024; and

**WHEREAS**, the solicitation for this construction contract was issued on February 24, 2022 and two (2) proposals were received on June 7, 2022 and evaluated and ranked using published evaluation criteria including: experience, background, qualifications of Respondent, key personnel, key sub-contractors, understanding of the Project, proposed management plan, experience with the San Antonio Region and past performance, price proposal, as well as

participation in the SBE and M/WBE Prime Contractor Programs by a selection committee consisting of representatives from the City Manager's Office, the Public Works Department, Centro San Antonio, Hemisfair Park Area Redevelopment Corporation, and the San Antonio Water System; and

**WHEREAS**, this construction contract will be awarded in compliance with the following Small Business Economic Development Advocacy (SBEDA) Program Goal Setting Committee incentives: application of 10 evaluation preference points for the Small Business Enterprise Prime Contract Program, 10 Evaluation preference points for the Minority/Women-Owned Business Enterprise Prime Contract Program, a 25% Minority/Women Business Enterprise (M/WBE) subcontracting goal, and a 3% African-American Business Enterprise (AABE) subcontracting goal. Sundt Construction, Inc. has committed to meeting the subcontractor participation goal; and

**WHEREAS**, this ordinance authorizes a one-time capital improvement expenditure in the amount of \$36,628,793.61 payable to Sundt Construction, Inc. Of this amount, \$14,795,445.61 is available from previous authorized 2017 General Obligation Bond funds and \$750,000.00 from Tree Mitigation Funds included in the FY 2023 – FY 2028 Capital Improvement Program and \$14,369,555.00 will be reimbursed by San Antonio Water System (SAWS), \$1,488,793.00 will be reimbursed by CPS Energy, and \$5,225,000.00 will be funded by the Hemisfair Tax Increment Reinvestment Zone for the construction of South Alamo Street (Market Street to East Cesar E. Chavez Boulevard) project; and

**WHEREAS**, City Council through Ordinance 2022-06-16-0456 allocated \$8,000,000.00 of Hemisfair TIRZ funding for construction of utilities and potential environmental remediation for the northwest quadrant of Hemisfair Park on the corner of South Alamo and Market Streets; and

**WHEREAS**, as part of this Funding Agreement with the Hemisfair TIRZ Board of Directors, funding would be provided in the amount not to exceed \$8,000,000.00 and costs associated with debt service for construction of utilities and potential environmental remediation for the northwest quadrant of Hemisfair Park on the corner of South Alamo and Market Streets and an Infrastructure and Development Support Agreement with each of the Developers in connection with the previously approved Public-Private Partnership at Hemisfair Park; and

**WHEREAS**, this ordinance also authorizes the reallocation of funds in the amount of \$8,000,000.00 in Hemisfair Tax Increment Reinvestment Zone funds to South Alamo Street (Market Street to East Cesar E. Chavez Boulevard) project of which \$5,225,000.00 will be used for this construction contract and the remaining amount will be used towards other associated costs; **NOW THEREFORE:**

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

**SECTION 1.** The City Manager or designee is authorized to approve a one-time capital improvement expenditure in the amount of \$36,628,793.61 payable to Sundt Construction, Inc.

**SECTION 2.** The amount of \$8,000,000.00 is appropriated in SAP Fund 29086034 TIRZ No34 Hemisfair, IO# 39000000xxxx, GL account 6102100 Interfund Transfer out entitled Trf fr

29086034 to 23-01609-90-14-02. The amount of \$8,000,000.00 is authorized to be transferred to Fund 45099000.

**SECTION 3.** The budget in SAP Fund 45099000 GO Capital Projects, Project 23-01609 S Alamo (Market - E César E Chávez Blvd), shall be revised by increasing WBS 23-01609-90-14-02 with GL 6101100 by \$8,000,000.00; increasing WBS 23-01609-04-02-08 with GL 5201040 by \$1,000,000.00; increasing WBS 23-01609-05-02-02 with GL 5201140 by \$5,225,000.00; and by increasing WBS 23-01609-05-09 with GL 5201140 by \$1,775,000.00.

**SECTION 4.** Payment is authorized to be encumbered and made payable to Sundt Construction, Inc., in an amount not to exceed \$36,628,793.61. Payment is in support of the S Alamo (Market - E César E Chávez Blvd) Project using Fund 45099000 with the WBS element 23-01609-05-02-01 and GL account 5201140. Funding for this project is provided by the GO Bonds, TIRZ, and The Tree Preservation Fund and is in the FY2023-FY2028 CIP Budget as amended above. Reimbursement in the amount of \$14,369,555.00 will be received from SAWS and reimbursement in the amount of \$1,488,793.00 will be received from CPS.

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.** 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 2022.**

**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

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