

ORDINANCE

2023-01-12-0002

RATIFYING A CHANGE ORDER IN THE AMOUNT OF \$74,410.00 WITH CREATIVE BUS SALES, INC., FOR FIVE WHEELCHAIR ACCESSIBLE BUSES FOR THE DEPARTMENT OF HUMAN SERVICES INCREASING THE TOTAL CONTRACT PRICE FROM \$572,395.00 TO \$646,805.00. FUNDING IN THE AMOUNT OF \$44,646.00 IS FROM THE FY 2023 EQUIPMENT RENEWAL AND REPLACEMENT FUND BUDGET AND \$29,764.00 IS FROM THE FY 2023 GENERAL FUND BUDGET.

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WHEREAS, pursuant to Ordinance No. 2021-08-05-0510, the San Antonio City Council accepted the bid submitted by Creative Bus Sales, Inc., and awarded a contract for the purchase of replacement wheelchair accessible buses for the City of San Antonio's (City's) Department of Human Services (DHS) at a price of \$114,479.00 per bus; and

WHEREAS, the City issued Purchase Order (PO) No. 8000406099 in August 2021 for one bus and issued PO No. 8000414037 in October 2021 for five additional buses and, all buses should have been delivered by April and May 2022, respectively; and

WHEREAS, in order to mitigate the City's damages and as wheelchair accessible buses are critical to the front-line operations of DHS, the City issued a change order to proceed with ordering new 2022/2023 model year vehicles with a cost difference of \$14,882.00 per bus; and

WHEREAS, approval of this ordinance will ratify a change order in the amount of \$74,410.00 to the contract with Creative Bus Sales, Inc., for five wheelchair accessible buses for the Department of Human Services increasing the total contract price from \$572,395.00 to \$646,805.00; **NOW THEREFORE:**

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

SECTION 1. A change order in the amount of \$74,410.00 to the contract with Creative Bus Sales, Inc., for five wheelchair accessible buses for the Department of Human Services increasing the total contract price from \$572,395.00 to \$646,805.00 is hereby ratified. A copy of the change order is attached hereto and incorporated herein for all purposes as **Exhibit I**.

SECTION 2. Funding for this ordinance in the amount of \$44,646.00 is available in Fund 72001000, Cost Center 3503200001 and General Ledger 5709080 as part of the Fiscal Year 2023 Adopted Budget approved by City Council.

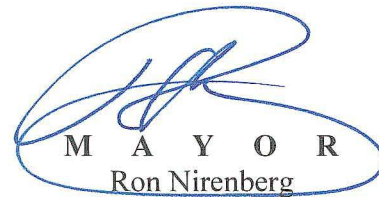
SECTION 3. Funding for this ordinance in the amount of \$29,764.00 is available in Fund 11001000, Cost Center 3806060101 and General Ledger 5709080 as part of the Fiscal Year 2023 Adopted Budget approved by City Council.

SECTION 4. Payment is authorized to Creative Bus Sales, Inc., for five wheelchair accessible buses.

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 designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this ordinance.

SECTION 6. This ordinance is effective immediately upon passage by eight or more affirmative votes; otherwise, it is effective on the tenth day after passage.

PASSED and APPROVED this 12th day of January, 2023.



M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:



Debbie Racca-Sitre, City Clerk



Andrew Segovia, City Attorney



City of San Antonio

City Council Meeting January 12, 2023

5.

2023-01-12-0002

Ordinance ratifying a change order in the amount of \$74,410 with Creative Bus Sales, Inc., for five wheelchair accessible buses for the Department of Human Services increasing the total contract price from \$572,395 to \$646,805. Funding in the amount of \$44,646 is from the FY 2023 Equipment Renewal and Replacement Fund budget, and \$29,764 is from the FY 2023 General Fund budget. [Ben Gorzell Jr., Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

Councilmember Rocha Garcia moved to Approve on the Consent Agenda. Councilmember Viagran seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

Exhibit I



Exhibit I

CONTRACT NAME:	Annual Contract for Wheelchair Accessible Buses
CONTRACT NUMBER:	IFB 6100013754
VENDOR NAME:	Creative Bus Sales, Inc.
VENDOR ADDRESS:	4955 W. Northgate Drive, Irving, 75062
ATTN:	Nick Corley
CHANGE ORDER NUMBER:	1
DATE ISSUED:	October 24, 2022
EFFECTIVE DATE OF CHANGE ORDER:	October 10, 2022

Whereas, on or about August 5, 2021, the San Antonio City Council accepted the bid submitted by Creative Bus Sales, Inc. (Creative Bus Sales), and awarded a contract for the purchase of replacement 23-passenger wheelchair accessible buses for the City of San Antonio's (City's) Department of Human Services (DHS) at a price of \$114,479.00 per bus for the period beginning upon contract award and ending November 30, 2022;

Whereas, the City issued Purchase Order (PO) No. 8000406099 in August 2021 for one bus and issued PO No. 8000414037 in October 2021 for five additional buses and, all buses should have been delivered by April and May 2022, respectively;

Whereas, in order to mitigate the City's damages and as wheelchair accessible buses are critical to the front-line operations of DHS, the City hereby issues this change order to mitigate damages and to proceed with ordering new 2022/2023 model year vehicles with a cost difference pursuant to PO No. 8000414037. This contract is hereby amended as follows:

1. CHANGE ORDER

- 1.1 This change order has become necessary to order new 2022/2023 model year vehicles with a cost difference and replaces PO No. 8000406099 and PO No. 8000414037 with PO No. 8000414037. Attachment A – Price Schedule, Item 1, 23 Passenger Shuttle Bus with Wheelchair Access, is revised to new 2022/2023 model year vehicles as follows for additional consideration in the amount of a \$14,882.00 increase per vehicle for a total of five vehicles:

2022/2023 Arboc Spirit of Freedom, 6.6 Liter V-8 Gas Engine, 23 Passenger Shuttle Bus with Wheelchair Access

The price per unit (Price Each) is increased from \$ 114,479.00 to \$129,361.00. **THE TOTAL PRICE FOR ALL FIVE UNITS WILL INCREASE FROM \$572,395.00 to \$646,805.00 TOTAL.**

2. PROVISIONS REMAIN IN EFFECT

All other terms, conditions, covenants and provisions of the above referenced contract, as previously amended, not specifically mentioned herein and revised by this document, are retained in their entirety, unchanged, and remain in full force in effect for the duration of said contract, and any renewals thereof. **This Change Order shall not be construed or held to be a waiver of any breach of the same or any other term, condition, covenant or guarantee contained in the contract.**

3. ENTIRE AGREEMENT

This contract, as amended, embodies the complete agreement of the parties hereto with regard to the subject matter contained herein, superseding all oral or written previous and contemporary agreements between the parties relating to matters herein.

EXECUTED and **AGREED** to as of the dates indicated below. This Change Order may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

CITY OF SAN ANTONIO

(Signature)

Printed Name: Angelica Mata
Title: Assistant Finance Director,
Finance Department

Date: _____

CREATIVE BUS SALES, INC.

Jeffrey E. Johnson
(Signature)

Printed Name: Jeffrey E. Johnson
Title: Regional Transit Manager

Date: October 28, 2022

Please return this change order to the Finance Department, Purchasing Division by email to:
marilyn.timlake@sanantonio.gov