

**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 TENDER AND RELEASE AGREEMENT BETWEEN THE GREAT AMERICAN INSURANCE COMPANY (GAIC) AND THE CITY OF SAN ANTONIO ACCEPTING FUNDS IN AN AMOUNT NOT TO EXCEED \$138,464.01 AS DEFINED IN THE AGREEMENT FOR THE ORIGINAL CONSTRUCTION CONTRACT AWARD BETWEEN THE CITY OF SAN ANTONIO AND ALL IN CONSTRUCTION, LLC RELATED TO THE ANIMAL CARE SERVICES PARKING LOT EXPANSION PROJECT LOCATED IN COUNCIL DISTRICT 6; AND AUTHORIZING THE APPROPRIATION OF THESE FUNDS FROM THE GAIC TO THE ANIMAL CARE SERVICES PARKING LOT PROJECT.

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WHEREAS, on August 20, 2020, a construction contract was awarded to All In Construction, LLC through Ordinance 2020-08-20-0548 in the amount of \$256,339.39 for the Animal Care Services Parking Lot Expansion project located in Council District 6; and

WHEREAS, on May 3, 2022, the City of San Antonio terminated the construction contract with All In Construction, LLC because requirements were not met in accordance with the General Conditions of the contract.; and

WHEREAS, as a result of the termination and as part of a Performance Bond issued to the City of San Antonio from the Great American Insurance Company (GAIC) associated with this agreement, the City requested GAIC to pay for damages incurred by the City for work that did not meet contract requirements; and

WHEREAS, the City was required to obtain a new contractor to complete and remedy any remaining project work obligations. The Tender and Release Agreement will allow the release of the Performance Bond to cover the fund balance between the original contract and the new contractor's proposal, including additional City of San Antonio project management fees; and

WHEREAS, this ordinance approves the execution of a Tender and Release Agreement between the Great American Insurance Company (GAIC) and the City of San Antonio, accepting funds in an amount not to exceed \$138,464.01, and authorizes the appropriation of these funds from the GAIC to the Animal Care Services Parking Lot Expansion project; **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 Tender and Release agreement between the City of San Antonio and Great American insurance Company (GAIC).

SECTION 2. Funds in the amount of \$138,464.01 are authorized to be received from Great American insurance Company (GAIC) to SAP Fund 43099000 Certificates of Obligation Capital Projects.

SECTION 3. The amount of \$138,464.01 is appropriated in SAP Fund 43099000, Project 23-03759 ACS Parking Lot Expansion and the budget in Project 23-03759 shall be adjusted by increasing WBS 23-03759-90-10-01 with GL 4502280 and WBS 23-03759-05-02-02 with GL 5201140 each by \$138,464.01.

SECTION 4. 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 5. 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 May 2023.

M A Y O R
Ron Nirenberg

ATTEST: APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney