

**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 FA NUNNELLY COMPANY IN THE AMOUNT OF \$8,443,747.00 TO COMPLETE CONSTRUCTION OF THE DISTRICT 4 HERITAGE COMMUNITY CENTER PROJECT, A 2017 - 2022 GENERAL OBLIGATION BOND PROGRAM AND CERTIFICATES OF OBLIGATION FUNDED PROJECT INCLUDED IN THE FY 2023 – FY 2028 CAPITAL IMPROVEMENTS PROGRAM LOCATED IN COUNCIL DISTRICT 4; AND, AMENDING THE FY 2023 – FY 2028 CAPITAL IMPROVEMENT PROGRAM WITH THE REALLOCATION OF FUNDS IN THE TOTAL AMOUNT OF \$4,600,000.00 OF WHICH \$773,212.00 WILL BE FUNDED BY 2018 CERTIFICATES OF OBLIGATION, \$818,594.00 IN PARKS, RECREATION AND OPEN SPACE IMPROVEMENTS PROPOSITION 2017 GENERAL OBLIGATION BOND FUNDS AND \$3,008,194.00 IN GENERAL FUNDS TO THE DISTRICT 4 HERITAGE COMMUNITY CENTER PROJECT.

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WHEREAS, on May 6, 2017, voters approved the 2017 Bond Program, which authorized \$8,500,000 for the District 4 Heritage Community Center. Additional funds were approved in the FY 2021 Budget to provide storm drainage improvements directly adjacent to the site. The project is envisioned to provide senior services and youth programs lacking in this area of the City. The Department of Human Services and the Parks and Recreation Department will operate this facility jointly with services and programs for all ages; and

WHEREAS, on May 7, 2021, a Request for Competitive Sealed Proposals (RFCSP) was released to construct the 2017 Bond District 4 Heritage Community Center (“Project”) located at 1423 S. Ellison Drive. On June 22, 2021, six responsive proposals were received, evaluated, and scored based on published evaluation criteria, including price proposal and participation in the SBE and M/WBE Prime Contractor Programs. The evaluation committee recommended awarding the contract to Tejas Premier Building Contractor, Inc. (“Tejas Premier”). On December 16, 2021, City Council approved the contract award to Tejas Premier Building Contractor, Inc. in the amount of \$6,222,835.10 through Ordinance 2021-12-16-0970; and

WHEREAS, in June 2022, Tejas Premier approached Public Works Department with concerns about their ability to construct the building as designed. After several discussions and meetings with Tejas Premier, in late December 2022, the parties agreed to a mutual Termination for Convenience releasing Tejas Premier from the construction contract, and allowing the City to seek another construction contractor to build the Project; and

WHEREAS, the second ranked firm from the RFCSP solicitation was FA Nunnelly Company; and

WHEREAS, this contract shall 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 set a 29% M/WBE Subcontracting Requirement and a 5% African American Business Enterprise (AABE) subcontracting goal. FA Nunnelly Company has committed to meeting the subcontractor participation goals; and

WHEREAS, this Ordinance authorizes the execution of a construction contract with F.A. Nunnelly Company in an amount not to exceed \$8,443,747.00 for construction of the District 4 Heritage Community Center project and the reallocation of funds in the total amount of \$4,600,000.00 of which \$773,212.00 will be funded by 2018 Certificates of Obligation, \$818,594.00 in Parks, Recreation and Open Space Improvements Proposition 2017 General Obligation Bond funds and \$3,008,194.00 in General Funds to the District 4 Heritage Community Center 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 approve a construction contract to FA Nunnelly Company in the amount of \$8,443,747.00 to complete construction of the District 4 Heritage Community Center project.

SECTION 2. Payment is authorized to be encumbered and made payable to FA Nunnelly Company in an amount not to exceed \$8,443,747.00. Payment is in support of the District 4 Heritage Community Center project and is in Fund 45099000, WBS Element 23-01655-05-02-01 and GL Account 5201140. Funding for this project is available from Certificates of Obligation, General Obligation bonds and the General Fund and included in the FY 2023 - FY 2028 Capital Improvement Program.

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 3. The reallocation of funds in the amount of \$4,600,000.00 is authorized and shall be appropriated in SAP per the table below and amends the FY 2023 – FY 2028 Capital Improvement Program.

Amount	WBS Element/Internal Order	GL Account
\$65,256.65	GO-00291-01-01-16	6102100

\$153,337.35	GO-00297-01-01-16	6102100
\$600,000.00	GO-00307-01-01-16	6102100
\$773,212.00	CO-20184-01-01-23	6102100
\$3,008,194.00	39000000xxxx	6102100
-\$65,256.65	23-01655-90-01-17-03	6101100
-\$153,337.35	23-01655-90-01-17-04	6101100
-\$600,000.00	23-01655-90-01-17-05	6101100
-\$773,212.00	23-01655-90-02-18-01	6101100
-\$3,008,194.00	23-01655-90-xx-xx-xx	6101100
\$4,600,000.00	23-01655-05-02-01	5201140

Total Amount: \$4,600,000.00

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 shall be effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED and APPROVED this 22nd day of June, 2023.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney