

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

ORDINANCE

**AMENDING THE CONTRACT SPENDING AUTHORIZATION
CAPACITY IN THE INCREASED AMOUNT OF \$3,645,368.00 FOR
THE JOB ORDER CONTRACT WITH AMSTAR, INC. AND
APPROVING THE EXECUTION OF A TASK ORDER TO A JOB
ORDER CONTRACT WITH AMSTAR, INC. IN THE AMOUNT NOT
TO EXCEED \$3,645,368.00 FOR THE ZERNONA BLACK
CULTURAL/COMMUNITY CENTER PROJECT LOCATED IN
COUNCIL DISTRICT 2. FUNDING IS AVAILABLE IN THE
AMOUNT OF \$2,236,461.48 FROM THE 2017 GENERAL
OBLIGATION BOND PROGRAM AND \$1,408,906.52 IN
CERTIFICATES OF OBLIGATION FUNDS INCLUDED IN THE FY
2024 – FY 2029 CAPITAL IMPROVEMENT PROGRAM.**

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WHEREAS, the new ZerNona S. Black Center (ZBC), Inc. Multi-Generational Cultural/Community Center facility will host community offerings revolving around social services and providing much-needed assistance and resources to economically disadvantaged individuals and families in the surrounding area, including proposed programs when the center opens of preschool and after-school activities, adult education courses, and senior citizen daycare; and

WHEREAS, on September 16, 2021, City Council approved a tri-party funding agreement between the City of San Antonio, Bexar County, and ZerNona S. Black Center Inc. through Ordinance 2021-09-16-0696; and

WHEREAS, the proposed task order will construct a new 10,000-square-foot facility, including an events center, two classrooms with support spaces, a landscaped courtyard, and associated site work, to be managed by ZerNona S. Black, Inc. upon completion; and

WHEREAS, on August 18, 2021, the 2017 Bond ZerNona Black Multi-Generational Cultural/Community Center ("Project") was advertised for construction bids, seven bids were received and opened on October 19, 2021, and on January 27, 2022, the City Council approved through Ordinance 2022-01-27-0031 a construction contract award to M-Company General Contractors, Inc. in the amount of \$2,394,694.00; and

WHEREAS, in July 2022, Public Works Department met with M-Company General Contractors, Inc. regarding concerns with the project construction progress, and after several discussions, meetings, and continued challenges with the project, in February 2023, the City issued a Termination for Cause, releasing M-Company General Contractors, Inc. from the construction contract to allow the City to seek another construction contractor to build the project; and

WHEREAS, to help accelerate the completion of the ZerNona Black Multi-Generational Cultural/Community Center project, the City is proposing the approval of a JOC task order to Amstar, Inc. to complete the project; and

WHEREAS, this task order utilizes the Job Order Contracting (JOC) approved through Ordinance 2022-02-17-0107 by City Council on February 17, 2022. The JOC delivery method provides the City with on-call construction, renovation, and maintenance services for City buildings and facilities. Assignment of JOC contractors to specific jobs are based on the contractor's current workload, overall capacity, familiarity with a specific facility, expertise in completing a specific task, and/or managing a specific trade needed to perform the requested repair or rehabilitation. Of the eight contractors approved as part of the JOC, Amstar, Inc. has been selected; and

WHEREAS ordinance 2022-02-17-0107 authorized \$3,000,000 annual and \$9,000,000 contract caps for Amstar, Inc., and execution of this task order would exceed Amstar, Inc.'s approved contract spending authorization capacity; and

WHEREAS, this ordinance amends the contract spending authorization capacity in the increased amount of \$3,645,368.00 for the Job Order Contract with Amstar, Inc. and approves the execution of a task order to a Job Order Contract with Amstar, Inc. in the amount not to exceed \$3,645,368.00 for the ZerNona Black Cultural/Community Center project located in Council District 2; and

WHEREAS, this task order 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 set a 24% Minority/Women Business Enterprise (M/WBE) subcontracting goal and a 3% African American Business Enterprise subcontracting goal. Amstar, Inc. has committed to meeting the subcontractor participation and goals; and

WHEREAS, funding is available in the amount of \$2,236,461.48 from the 2017 General Obligation Bond Program and \$1,408,906.52 in Certificates of Obligation funds included in the FY 2024 – FY 2029 Capital Improvement Program; and

WHEREAS, construction is anticipated to begin in October 2023 and is estimated to be completed by July 2024; **NOW THEREFORE:**

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

SECTION 1. The spending authority for the Job Order Contract with Amstar, Inc. approved by Ordinance 2022-02-17-0107 is increased in the amount of \$3,645,368.00 to an amount not to exceed \$12,645,368.00. The increased authority approved herein is authorized for the duration of the Job Order Contract with Amstar, Inc..

SECTION 2. The City Manager or designee, or the Director of the Public Works Department or designee, is authorized to execute a task order to Amstar, Inc. in the amount not to exceed \$3,645,368.00 for construction of the ZerNona Black Cultural/Community Center project.

SECTION 3. Payment not to exceed \$3,645,368.00 for this task order is authorized to be encumbered with purchase orders and made payable to Amstar, Inc. Payment is in support of Project 23-01731, ZerNona Black Multi-Gen Cultural/Comm Ctr, using WBS 23-01731-05-02-01 with General Ledger 5201140. Funding is provided by Bexar County, the Texas Education Agency, General Obligation and Certificate of Obligation bonds and is in the FY 2024 – FY 2029 Capital Improvement Program Budget. Payment is limited to the amounts budgeted in the Operating, Grants, and/or Capital Budget funding sources identified. All expenditures will comply with Operating, Grants, and/or Capital Budgets for current and future fiscal years.

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 General Ledger 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 12th day of October, 2023.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney