



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 10

Agenda Date: October 21, 2021

In Control: City Council A Session

DEPARTMENT: Finance Department

DEPARTMENT HEAD: Troy Elliott

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

10/21/2021 Annual Contracts

SUMMARY:

An ordinance awarding eight contracts to provide the City with commodities and services on an annual basis for the term of the contract, for an estimated annual cost of \$1,545,807.96. This ordinance provides the procurement of the following items, as needed, and dependent on the Department's available budget, for the term of the contract:

- A. Aquatic Landscapes & Design for Maintenance of Filtration System at Japanese Tea Garden, \$24,000.00 annually; \$120,000.00 contract period (1 contract, Parks and Recreation Department)
- B. Crafcro, Inc. for Crack Sealant, \$245,000.00 annually (1 contract, Public Works)
- C. RediMix dba Custom Crete for Low Strength Concrete Material, \$57,000.00 annually (1 contract, Public Works)
- D. D & A Technology & Development, LLC. for Tire Rubber Modified Surface Seal (TRMSS), \$903,000.00 annually (1 contract, Public Works)
- E. Swank Motion Pictures, Inc. dba Swank Movie Licensing USA for San Antonio Public Library Movie Licensing, \$16,355.00 Year 1; \$99,847.00 contract period (1 contract, San Antonio Public Library)
- F. Java Connections, LLC dba Laptops Anytime for Automated Laptop Dispenser Maintenance,

\$13,031.96 Year 1; \$80,991.96 contract period (1 contract, San Antonio Public Library)
G. MK Solutions, Inc. for Book and Audio Book Dispenser Maintenance, \$18,246.00 year one;
\$95,907.00 contract period (1 contract, San Antonio Public Library)
H. Ford Audio-Video Systems LLC for Change Order to Paging Modernization and
Implementation contract, \$269,175.00 total amount of change order (1 contract, Aviation
Department)

BACKGROUND INFORMATION:

The City of San Antonio utilizes annual contracts for procuring high volume repetitive purchases. Annual contracts are an efficient method of securing the best prices through volume purchasing and reducing large amounts of work related to the bid process. Utilization of annual contracts allows the City to procure numerous different commodities in support of the normal daily operations.

Contracts procured on the basis of low bid:

A. Aquatic Landscapes & Design for Maintenance of Filtration System at Japanese Tea Garden, \$24,000.00 annually; \$120,000.00 contract period, January 1, 2022 through December 31, 2024 with two, one-year renewal options - will provide the Parks and Recreation Department with a contractor to perform monthly preventative maintenance services to the two ponds automated filtration system and water features located at the Japanese Tea Garden. The contractor shall furnish all labor, chemicals, equipment, materials, and software programming expertise necessary to maintain the system.

B. Crafcoc, Inc. for Crack Sealant, \$245,000.00 annually, upon award through December 31, 2024 with two, one-year renewal options - will provide the Public Works Department with a vendor to furnish crack sealant to repair asphalt streets throughout the City. This material shall be suitable for sealing 1/8 inch or larger width cracks in asphaltic concrete pavement.

C. RediMix dba Custom Crete for Low Strength Concrete Material, \$57,000.00 annually, upon award through September 30, 2024 - will provide the Public Works Department with a contractor to furnish and deliver low strength concrete material utilized in various City-wide construction applications such as backfill in utility trenches, pipe bedding, void fill, and open street cuts.

D. D & A Technology & Development, LLC. for Tire Rubber Modified Surface Seal (TRMSS), \$903,000.00 annually, upon award through December 31, 2024 with two, one-year renewal options – will provide Public Works Department, Street Maintenance Division with a contractor to provide Tire Rubber Modified Surface Seal (TRMSS) to be utilized on various streets throughout the City. TRMSS is a type of cationic rubberized slurry seal that provides durability of a conventional slurry seal along with the uniform black appearance and environmental benefits of a tire rubber modified emulsion. The combination of recycled tire rubber, asphalt and water creates a high-performance seal coat; it is ideal choice to maintain asphalt pavements, slurry seal and chip seal surface treatments. TRMSS protects and extends the useful pavement life by replacing the vital surface oils; locking down the loose aggregates and preventing damage caused by weather, traffic and oxidation.

Sole Source:

E. Swank Motion Pictures, Inc. dba Swank Movie Licensing USA for San Antonio Public Library Movie Licensing, \$16,355.00 Year 1; \$99,847.00 contract period, upon award through November 30, 2022 with four, one-year renewal options - will provide the San Antonio Public Library (“SAPL”) with a Public Performance Annual Site License #188819001 which legally allows an unlimited number of exhibitions of copyrighted movies within the approved SAPL facilities. The Federal Copyright Act governs how copyrighted materials, such as movies, may be used. Neither the rental nor the purchase of a movie carries with it an inherent right to show the movie publicly, outside the home, unless the site where the movie is used is properly licensed for public exhibition. This license will allow SAPL to exhibit movies secured from a legal source such as a video rental store, an online rental store, or from SAPL’s collection to use as part of the summer reading programs, educational programs, and senior programs.

These items are being purchased as Sole Source according to the provisions of Texas Statutes Local Government Code 252.022.07. No other source can supply the items listed nor can any comparable item fulfill the same requirements. Vendor acknowledges, with his/her signature, that all items offered are considered a Sole Source.

F. Java Connections, LLC dba Laptops Anytime for Automated Laptop Dispenser Maintenance, \$13,031.96 Year 1; \$80,991.96 contract period, November 1, 2021 through October 31, 2022 with four, one-year renewal options - will provide the San Antonio Public Library with annual maintenance of three City owned Automated Laptop Dispensers for the next five years. These units dispense variety of laptops and tablet models to library patrons.

On September 15, 2016, City Council approved the purchase and maintenance of the Automated Laptop Dispensers (Kiosks) for the San Antonio Public Library. Since these units were purchased from Java Connections, LLC dba Laptops Anytime they are the sole provider of maintenance & support for these units.

These items are being purchased as Sole Source according to the provisions of Texas Statutes Local Government Code 252.022.07. No other source can supply the items listed nor can any comparable item fulfill the same requirements. Vendor acknowledges, with his/her signature, that all items offered are considered a Sole Source.

G. MK Solutions, Inc. for Book and Audio Book Dispenser Maintenance, \$18,246.00 year one; \$95,907.00 contract period, January 1, 2022 through December 31, 2022 with four, one-year renewal options - will provide the San Antonio Public Library with annual maintenance of one City owned Book and Audio Book Dispenser for the next five years. This unit dispense Books, Digital Video Discs (DVD) and audio books to the library patrons.

On September 15, 2016, City Council approved the purchase of one Book and Audio book dispenser for San Antonio Public Library. Since this unit was purchased from MK solutions, Inc they are the sole provider of future maintenance & support.

These items are being purchased as Sole Source according to the provisions of Texas Statutes Local Government Code 252.022.07. No other source can supply the items listed nor can any

comparable item fulfill the same requirements. Vendor acknowledges, with his/her signature, that all items offered are considered a Sole Source.

Change Order:

H. Ford Audio-Video Systems LLC for Change Order to Paging Modernization and Implementation contract, \$269,175.00 total - On December 17, 2020, City Council authorized a contract with Ford Audio-Video Systems, LLC through Ordinance 2020-12-17-0914 for the Public Address System Integration project at San Antonio International Airport. This change order will support the project's speaker wire path requirements by providing new conduit where none currently exists and where existing conduit cannot be reused. In Terminal A, the vendor will furnish and install approximately 5,725 linear feet (LF) of conduit on air side and land side exterior walls/columns. In Terminal B, the vendor will furnish and install approximately 2,145 LF of conduit on air side exterior walls/columns.

ISSUE:

These contracts represent a portion of approximately 250 annual contracts that will be brought before City Council throughout the fiscal year. These products and services are used by city departments in their daily operations.

A. Maintenance of Filtration System at Japanese Tea Garden

The Small Business Economic Development Advocacy (SBEDA) Ordinance requirements were waived due to the lack of small, minority, and/or women businesses available to provide these goods and services.

The recommended award is to the lowest responsive bidder, who is also a local business; therefore, application of the Local Preference Program was not required.

The Veteran-Owned Small Business Preference Program does not apply to good/supplies contracts, so no preference was applied to this contract.

B. Crack Sealant

The Small Business Economic Development Advocacy (SBEDA) Ordinance requirements were waived due to the lack of small, minority, and/or women businesses available to provide these goods and services.

There were no bids submitted from local bidders for this project; therefore, the Local Preference Program was not applied.

The Veteran-Owned Small Business Preference Program does not apply to good/supplies contracts, so no preference was applied to this contract.

C. Low Strength Concrete Material

The Small Business Economic Development Advocacy (SBEDA) Ordinance requirements were waived due to the lack of small, minority, and/or women businesses available to provide these goods and services.

There were no bids submitted from local bidders for this project; therefore, the Local Preference Program was not applied.

The Veteran-Owned Small Business Preference Program does not apply to good/supplies contracts, so no preference was applied to this contract.

D. Tire Rubber Modified Surface Seal

The Small Business Economic Development Advocacy (SBEDA) Ordinance requirements were waived due to the lack of small, minority, and/or women businesses available to provide these goods and services.

The recommended award is to the lowest responsive bidder, who is also a local business; therefore, application of the Local Preference Program was not required.

The Veteran-Owned Small Business Preference Program does not apply to good/supplies contracts, so no preference was applied to this contract.

E. San Antonio Public Library Movie Licensing –

This contract is exempt from the Small Business Economic Development Advocacy (SBEDA) Program.

This contract is an exception to Local Preference Program.

The Veteran-Owned Small Business Preference Program does not apply to non-professional services contracts, so no preference was applied to this contract.

F. Automated Laptop Dispenser Maintenance –

This contract is exempt from the Small Business Economic Development Advocacy (SBEDA) Program.

This contract is an exception to Local Preference Program.

The Veteran-Owned Small Business Preference Program does not apply to non-professional services contracts, so no preference was applied to this contract.

G. Book and Audio Book Dispenser Maintenance –

This contract is exempt from the Small Business Economic Development Advocacy (SBEDA) Program.

This contract is an exception to Local Preference Program.

The Veteran-Owned Small Business Preference Program does not apply to non-professional services contracts, so no preference was applied to this contract.

H. Change Order to Paging Modernization and Implementation –

This contract is an exception to Small Business Economic Development Advocacy (SBEDA) Program.

This contract is an exception to Local Preference Program.

The Veteran-Owned Small Business Preference Program does not apply to non-professional services contracts, so no preference was applied to this contract.

ALTERNATIVES:

A. Maintenance of Filtration System at Japanese Tea Garden - Should this contract not be approved, the City would be required to purchase services on an as needed basis which may result in increased cost due to non-contract rates and timeliness of services which would affect the aquatic life in the ponds. Parks staff does not have the technical expertise to perform ongoing maintenance services required for the ponds.

B. Crack Sealant - Should this contract not be approved, the City will be required to purchase crack sealant on an as needed basis. The lack of a contract could result in the department's inability to provide street maintenance in a timely manner and the City could lose the pricing advantage afforded through a competitive bid contract.

C. Low Strength Concrete Material – Should this contract not be approved, the Public Works Department would be required to purchase materials on an as needed basis where increased costs and delivery times would be realized delaying the completion of ongoing construction applications.

D. Tire Rubber Modified Surface Seal - Should this contract not be approved, the Public Works Department, Street Maintenance Division will be required to procure rubberized slurry seal materials on an as needed basis. The City could lose the pricing advantage afforded through a competitively bid contract; furthermore, the department's budget could be negatively impacted through continuous price variations.

E. San Antonio Public Library Movie Licensing - Should this contract not be approved, the San Antonio Public Library would not be legally allowed to exhibit copyrighted movies for an unlimited number of movie showings throughout the SAPL system. Instead, SAPL would be required to purchase a license for each movie showing as required at the current cost of \$150 per movie, per showing.

F. Automated Laptop Dispenser Maintenance - Should this contract not be approved, the department would not have access to critical software updates to the current City-owned laptop dispensers and would need to solicit new dispensers which would result in unnecessary expenses to the City.

G. Book and Audio Book Dispenser Maintenance - Should this contract not be approved, the department would not have access to critical software updates to the current City-owned Book and Audio Book dispensers and would need to solicit new dispensers which would result in unnecessary expenses to the City.

H. Change Order to Paging Modernization and Implementation - Should this contract not be approved, the department will have to procure through other existing annual contracts or through a solicitation which could potentially delay the project.

FISCAL IMPACT:

Funds are not encumbered by this ordinance. All expenditures will be in accordance with the Department's adopted budget approved by City Council. Purchases made by the Department are as needed and dependent upon available funds within their adopted budget.

RECOMMENDATION:

Staff recommends the acceptance of these contracts submitted through this ordinance to provide the City with specified services on an annual contract basis. These annual contracts are critical to the City's daily operations.

These contracts were procured on the basis of low bid, sole source, and change order, and Contract Disclosure Forms are not required.