

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

ORDINANCE

ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT TO KEELEY CONSTRUCTION GROUP, INC., IN THE AMOUNT NOT TO EXCEED \$1,726,447.94, OF WHICH, \$31,380.28 WILL BE REIMBURSED BY SAWS AND \$14,023.28 WILL BE REIMBURSED BY CPS ENERGY FOR NECESSARY ADJUSTMENTS TO THEIR EXISTING INFRASTRUCTURE RELATED TO THE CONSTRUCTION OF WURZBACH CORRIDOR SIDEWALKS PROJECT, LOCATED IN COUNCIL DISTRICT 8. FUNDS ARE AVAILABLE FROM THE 2017 GENERAL OBLIGATION BOND AND CERTIFICATES OF OBLIGATION INCLUDED IN THE FY 2024 – FY 2029 CAPITAL IMPROVEMENT PROGRAM

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WHEREAS, On May 6, 2017, voters approved the 2017 Bond Program, which authorized \$2,000,000.00 for the Wurzbach Corridor Project (Fredericksburg to N.W. Military) to construct corridor improvements from Fredericksburg to N.W. Military, including pedestrian amenities and enhancements; and

WHEREAS, this project will improve pedestrian access along the Wurzbach Road Corridor from Fredericksburg Road to IH-10, including sidewalks and driveway approaches, and will ensure the corridor sidewalks are American with Disabilities Act (ADA) compliant and meet Unified Development Code (UDC) guidelines; and

WHEREAS, the project will also include SAWS and CPS utility infrastructure adjustments and associated work where required; and

WHEREAS, SAWS will be responsible for any utility location costs and cost overages related to sewer and water utility work; and

WHEREAS, construction is anticipated to begin in Summer 2024 and is estimated to be completed by Spring 2025; and

WHEREAS, this project was advertised for construction bids on November 29, 2023, and two (2) bids were received and opened on January 9, 2024, and, the lowest bidder was deemed non-responsive for not meeting the SBEDA subcontracting requirements of the project, thereby making Keeley Construction Group, Inc. the lowest responsive bidder; and

WHEREAS, this contract will be awarded in compliance with the Small Business Economic Development Advocacy (SBEDA) Program, which requires contracts 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 17% Minority/Women Business Enterprise (M/WBE) subcontracting goal and a 4% African-American Business Enterprise (AABE) subcontracting goal. Keeley Construction Group, Inc., has committed to meeting the subcontractor participation goal; and

WHEREAS, his vendor has acknowledged and will comply with the Heat Illness Prevention Ordinance, approved on August 31, 2023 through Ordinance #2023-08-31-0585; and

WHEREAS, as part of the bid process, additional requirements were added to ensure the contractor would perform the work in a timely manner and avoid impacts on adjacent businesses and property owners; however, the bids exceeded the project budget, and to proceed with the construction, a portion of work along Wurzbach Road (Fredericksburg to the west of Gardendale) is being reduced in an amount of \$442,592.59 for a revised contract amount of \$1,726,447.94; and

WHEREAS, this ordinance accepts the lowest responsive bid and awards a construction contract to Keeley Construction Group, Inc., in the amount not to exceed \$1,726,447.94, of which, \$31,380.28 will be reimbursed by SAWS and \$14,023.28 will be reimbursed by CPS Energy for necessary adjustments to their existing infrastructure related to the construction of Wurzbach Corridor Sidewalks Project, located in Council District 8, for which funds are available from the 2017 General Obligation Bond and Certificates of Obligation included in the FY 2024 – FY 2029 Capital Improvement Program; **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 construction contract to Keeley Construction Group, Inc., in the amount not to exceed \$1,726,447.94, of which, \$31,380.28 will be reimbursed by SAWS and \$14,023.28 will be reimbursed by CPS Energy for necessary adjustments to their existing infrastructure related to the construction of Wurzbach Corridor Sidewalks Project.

SECTION 2. Payment for this decreased contract amount not to exceed \$1,726,447.94 is authorized to be encumbered with a purchase order and made payable to Keeley Construction Group, Inc. for construction services. Payment is in support of Project 23-01620 Wurzbach (NW Military Hwy-Fredericksburg) using various WBS elements with various GL Accounts. Funding is provided by the General Obligation bond funds and is in the FY 2024 - FY 2029 CIP Budget. \$31,380.28 will be reimbursed by San Antonio Water System and \$14,023.28 will be reimbursed by CPS Energy. These reimbursements are authorized to be appropriated into Project 23-01620.

SECTION 3. 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.

DAH
5/2/2024
Item No.

SECTION 4. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 2nd day of May, 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

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