

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

ORDINANCE

**AWARDING THE 2023 TASK ORDER CONTRACT FOR
FLATWORK AND STREET IMPROVEMENTS PACKAGE 1 TO
NERIE CONSTRUCTION LIMITED LIABILITY COMPANY IN AN
AMOUNT NOT TO EXCEED \$5,005,679.00 OF WHICH \$182,050.00
WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM FOR
NECESSARY ADJUSTMENTS TO THEIR EXISTING
INFRASTRUCTURE. FUNDS ARE AVAILABLE FROM THE
GENERAL FUND, THE ADVANCED TRANSPORTATION
DISTRICT FUND AND DEBT PROCEEDS INCLUDED IN THE FY
2023 – FY 2028 CAPITAL IMPROVEMENTS PROGRAM.**

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WHEREAS, with the adoption of the FY 2023 Budget, City Council has approved a \$19 million Sidewalk Maintenance Program; and

WHEREAS, this task order contract will enable Public Works to execute multiple projects delivered through the Infrastructure Management Program (IMP); and

WHEREAS, this ordinance authorizes one contract for FY 2023 totaling \$5,005,679.00 to Nerie Construction Limited Liability Company for the construction of sidewalks, driveway approaches, wheelchair ramps improvements, or any other required work for the completion of projects located throughout the City; and

WHEREAS, this project was advertised on September 9, 2022 and three (3) bids were received and opened on October 11, 2022, with Nerie Construction Limited Liability Company submitting the lowest responsive bid; and

WHEREAS, this task order contract will be awarded in compliance with the Small Business Economic Development Advocacy (SBEDA) Program and the Goal Setting Committee recommendation of a 26% Minority/Women Business Enterprise (M/WBE) subcontracting goal and a 3% African American Business Enterprise (AABE) subcontracting goal that Nerie Construction Limited Liability Company has committed to meeting; and

WHEREAS, this ordinance accepts the lowest responsive bid and awards the 2023 Task Order Contract for Flatwork and Street Improvements Package 1 to Nerie Construction Limited Liability Company in an amount not to exceed \$5,005,679.00, of which \$182,050.00 will be reimbursed by San Antonio Water System (SAWS) for necessary adjustments to their existing infrastructure;
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 accept the lowest responsive bid and award the 2023 Task Order Contract for Flatwork and Street Improvements Package 1 to Nerie Construction Limited Liability Company in an amount not to exceed \$5,005,679.00 of which \$182,050.00 will be reimbursed by San Antonio Water System (SAWS) for necessary adjustments to their existing infrastructure.

SECTION 2. Payment is authorized to be encumbered and made payable to Nerie Construction LLC in an amount not to exceed \$5,005,679.00. Payment is in support of the ATD FY2023 Sidewalks Project using Fund 40099000 with the WBS Element 23-04071-05-02-01 and GL Account 5201140. Funding for this project is provided by General Fund and ATD Fund and is in the FY2023-FY2028 CIP Budget. Reimbursement of \$182,050.00 will be received from SAWS.

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 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 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 __th day of December 2022.

M A Y O R
Ron Nirenberg

ATTEST: APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney