

**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  
THE 2023 PAVEMENT PRESERVATION PACKAGE 11-ONYX  
SEAL TASK ORDER CONTRACT TO CLARK CONSTRUCTION OF  
TEXAS, INC. IN AN AMOUNT NOT TO EXCEED \$1,998,500.00.  
FUNDS ARE AVAILABLE FROM THE FY 2023 PUBLIC WORKS  
GENERAL FUND ADOPTED BUDGET AND THE ADVANCED  
TRANSPORTATION DISTRICT FUND AND 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 \$116 million annual spending budget for the Street Maintenance Program (SMP); and

**WHEREAS**, this task order contract will enable Public Works to execute multiple projects delivered through the SMP; and

**WHEREAS**, this project was advertised on December 12, 2022 and three (3) bids were received and opened on January 20, 2023, with Clark Construction of Texas, Inc. 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. Clark Construction of Texas, Inc. has committed to satisfying the 10% Minority/Women Business Enterprise (M/WBE) subcontracting goal and 1% African American Business Enterprise (AABE) subcontracting goal; and

**WHEREAS**, this ordinance authorizes a contract totaling \$1,998,500.00 to Clark Construction of Texas, Inc. for the construction of street maintenance projects including, but not limited to, completion of the onyx seal projects and any other required work for the completion of the SMP pavement preservation projects located throughout the City. Funds are available from the General Fund and the Advanced Transportation District Fund included in the FY 2023-FY 2028 Capital Improvements 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 accept the lowest responsive bid and award the 2023 Pavement Preservation Package 11-Onyx Seal Task Order Contract to Clark Construction of Texas, Inc. in an amount not to exceed \$1,998,500.00.

**SECTION 2.** Payment is authorized to be encumbered and made payable to Clark Construction of Texas, Inc., in an amount not to exceed \$1,998,500.00. Payment is in support of the FY 2023 Street Maintenance Program Project using WBS 23-04085-05-05-02-03-04 with GL 5201140. Funding for this project is provided by CO Bonds, Tax Notes, ARPA Grant, General Fund, ADT and ROW and is in the FY 2023-FY 2028 CIP Budget.

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 April 2023.**

**M A Y O R**  
Ron Nirenberg

**ATTEST:      APPROVED AS TO FORM:**

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Debbie Racca-Sittre, City Clerk

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Andrew Segovia, City Attorney