

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

ORDINANCE

AWARDING A CONSTRUCTION CONTRACT TO SKANSKA USA BUILDING, INC. IN THE AMOUNT OF \$27,904,905.00 FOR CONSTRUCTION OF PHASE 1 OF THE CIVIC PARK PROJECT AT HEMISFAIR AND AMENDING THE ASSOCIATED PROFESSIONAL DESIGN SERVICES AGREEMENT WITH GUSTAFSON GUTHRIE NICHOL (GGN) LTD. IN THE INCREASED AMOUNT OF \$976,741.00 TO THE PREVIOUSLY APPROVED \$6,318,237.00 AGREEMENT FOR ADDITIONAL DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES RELATED TO THE HEMISFAIR CIVIC PARK PROJECT; APPROPRIATING AND TRANSFERRING FUNDS IN THE AMOUNT OF \$609,822.00 FROM THE FY 2022 TREE CANOPY PRESERVATION AND MITIGATION FUND TO PURCHASE AND INSTALL TREES FOR THE HEMISFAIR CIVIC PARK PROJECT, AMENDING THE FY 2022 - FY 2027 CAPITAL IMPROVEMENT PROGRAM; AND, RE-APPROPRIATING \$9,248,083.64 IN 2016 CERTIFICATES OF OBLIGATION FROM THE HEMISFAIR PARK PHASE 2 PROJECT TO THE HEMISFAIR PARK PHASE 1 PROJECT TO PROPERLY ACCOUNT FOR THE ASSET UPON COMPLETION.

* * * * *

WHEREAS, on May 6, 2017, voters approved the 2017 Bond Program, which included \$21,000,000.00 to develop and construct park improvements for Hemisfair Civic Park. The project is located at 210 South Alamo, adjacent to the Henry B. Gonzalez Convention Center. The Park improvements will include urban plazas, water features, promenades, open green spaces, a courtyard and a public restroom building. Construction is anticipated to begin in December 2021 and is estimated to be complete by September 2022; and

WHEREAS, on June 30, 2016, City Council authorized an additional amount of \$18,100,000.00 in publicly issued debt for utility infrastructure at Civic Park through Ordinance 2016-06-30-0530. In accordance with this Ordinance, 2016 Certificates of Obligation were previously appropriated in Project 23-03746 Hemisfair Park Phase 2, the scope of which includes Civic Park, landscaping and other improvements; and

WHEREAS, following the City Council "B" Session high profile pre-solicitation briefing on February 10, 2021, the Public Works Department issued a Request for Competitive Sealed Proposals (RFCSP) on March 5, 2021, seeking proposals for the construction of park improvements related to the Hemisfair Civic Park 2017 Bond Program project. A pre-submittal conference was held on March 22, 2021 and responses were due on May 11, 2021. Six responses

were received; however, two firms were deemed non-responsive, as the respondents failed to meet the SBEDA subcontracting goal; and

WHEREAS, the evaluation committee scored and ranked the remaining four responses on June 16, 2021, and interviews with the top two ranked firms were held on August 6, 2021. The evaluation committee included representatives from the City Manager's Office, Public Works Department, Parks and Recreation Department, Hemisfair Park Area Redevelopment Corporation (HPARC), and a member of the Hemisfair Board of Directors; and

WHEREAS, the committee recommended Skanska USA Building, Inc. the top-ranked respondent for this project; and

WHEREAS, this contract 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 21% Minority/Women Business Enterprise (M/WBE) subcontracting goal and a 3% African American Business Enterprise (AABE) subcontracting goal. Skanska USA Building, Inc. has committed to meeting the subcontractor participation goal; and

WHEREAS, on March 20, 2014, City Council approved Ordinance No. 2014-03-20-0170 authorizing the negotiations and execution of a Professional Design Services Contract in an amount not to exceed \$2,918,237.00 with Gustafson Guthrie Nichol LTD., for design and Construction Administration services for the Hemisfair Civic Park Project. Amendments have increased this contract by \$3,400,000.00 to a total of \$6,318,237.00. This amendment will increase the contract by \$976,741.00 to a total revised contract amount of \$7,294,978.00.

WHEREAS, during the design process, the project area and construction budget were adjusted to accommodate for new visions by the Hemisfair Park Area Redevelopment Corporation (HPARC) and the unexpected discovery of a historical acequia. Given the changes it is necessary to amend original design agreement to provide for additional scope items, including the division of the construction documents into two phases, incorporation of a public restroom, addition of WiFi throughout the park and a new design to accommodate for unforeseen addition of historical acequia remnants; and

WHEREAS, this amendment will authorize and compensate Gustafson Guthrie Nichol (GGN) LTD. for additional design and construction administration services related to the Hemisfair Civic Park project; and

WHEREAS, this ordinance authorizes a one-time capital improvement expenditure in the amount of \$27,904,905.00 payable to Skanska USA Building, Inc. and amends the professional design services agreement with Gustafson Guthrie Nichol (GGN) LTD. to increase the contract amount in the total amount of \$976,741.00 to revised contract total of \$7,294,978.00. Funds for these expenditures are available from previously authorized debt proceeds and 2017 Bond General Obligation funds included in the FY 2022 – FY 2027 Capital Improvement Program; and

WHEREAS, this ordinance also approves the appropriation and transfer of funds in the amount of \$609,822.00 from the FY 2022 Tree Canopy Preservation and Mitigation Fund to the Hemisfair

Civic Park Project Phase 1 to purchase and install trees, amending the FY 2022 – FY 2027 Capital Improvement Program; and, re-appropriates \$9,248,083.64 in 2016 Certificates of Obligation from the HemisFair Park Phase 2 Project to the HemisFair Park Phase 1 Project to properly account for the asset upon completion; **NOW THEREFORE:**

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

SECTION 1. A Construction Contract with Skanska USA Building, Inc. for the HemisFair Civic Park Project is hereby approved. The City Manager, or his designee, is authorized to execute the Construction Contract.

SECTION 2. The terms and conditions of an amendment to the Professional Service Agreement with Gustafson Guthrie Nichol, LTD are hereby approved. The City Manager, or his designee, is authorized to execute said amendment, a copy of which, in substantially final form, is attached as Exhibit A.

SECTION 3. The appropriation and transfer of funds in the amount of \$609,822.00 from the FY 2022 Tree Canopy Preservation and Mitigation Fund to the HemisFair Civic Park Project Phase 1 to purchase and install trees is hereby approved.

SECTION 4. The re-appropriation of \$9,248,083.64 in 2016 Certificates of Obligation from the HemisFair Park Phase 2 Project to the HemisFair Park Phase 1 Project, to properly account for the asset upon completion, is hereby approved.

SECTION 5. The amount of \$609,822.00 is appropriated in SAP Fund 29619000 Tree Canopy Preservation & Mitigation, IO# 39000000xxxx, GL account 6102100 Interfund Transfer out entitled Trf fr 29619000 to 23-01670-xx-xx. The amount of \$609,822.00 is authorized to be transferred to Fund 45099000.

SECTION 6. The amount of \$9,248,083.64 is authorized to be transferred from Fund 45099000 CO Capital Projects, WBS 23-03746-90-02-01, SAP GL account 6102100 – Interfund Transfer out entitled From 45099000 to 23-01670-90-xx-xx-xx, to Fund 45099000 to 23-01670-90-xx-xx-xx.

SECTION 7. The budget in SAP Fund 45099000 GO Capital Projects, Project 23-03746 HemisFair Park Phase 2, shall be revised by decreasing WBS 23-03746-90-02-01 with GL 6101100 and WBS 23-03746-05-02-01 with GL 5201140 each by \$9,248,083.64.

SECTION 8. The budget in SAP Fund 45099000 GO Capital Projects, Project 23-01670 HemisFair Civic Park, shall be revised by increasing WBS 23-01670-90-xx-xx-xx with GL 6101100 and WBS 23-01670-05-02-10 with GL 5201170 each by \$9,248,083.64.

SECTION 9. The budget in SAP Fund 45099000 GO Capital Projects, Project 23-01670 HemisFair Civic Park, shall be revised by increasing WBS 23-01670-90-xx-xx with GL 6101100 and WBS 23-01670-05-02-10 with GL 5201140 each by \$609,822.00.

SECTION 10. Payment is authorized to be encumbered and made payable to Skanska USA Building, Inc. in an amount not to exceed \$27,904,905.00. Payment is in support of the HemisFair

Civic Park Project using Fund 45099000 with the WBS element 23-01670-05-02-01 and GL 5201140. Funding for this project is provided by GO Bonds and the Tree Canopy Preservation & Mitigation Fund and is in the FY2022-FY2027 CIP Budget as amended above.

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 11. Payment is authorized to be encumbered and made payable to Gustafson Guthrie Nichol (GGN) LTD in an amount not to exceed \$976,741.00. Payment is in support of the HemisFair Civic Park Project using Fund 45099000 with the WBS element 23-01670-05-02-01 and GL 5201170. Funding for this project is provided by GO Bonds and the Tree Canopy Preservation & Mitigation Fund and is in the FY2022-FY2027 CIP Budget as amended above.

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

PASSED and APPROVED this ____ day of _____, 2021.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, Acting City Clerk

Andrew Segovia, City Attorney

EXHIBIT A

DRAFT