

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

AN ORDINANCE

ACCEPTING THE LOWEST RESPONSIVE QUALIFIED BID AND AWARDING A CONTRACT IN THE AMOUNT OF \$729,930.50 TO TCL CONSTRUCTION ENTERPRISES, INC., FOR A LABOR AND MATERIAL CONTRACT FOR CONCRETE WORK IN SAN ANTONIO PARKS, PROVIDING LABOR AND CONCRETE MATERIAL FOR PARK OPERATIONS AS NEEDED AND IN ACCORDANCE WITH THE ANNUAL ADOPTED BUDGET APPROVED BY CITY COUNCIL.

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WHEREAS, the City of San Antonio utilizes annual contracts for procuring high volume repetitive purchases; and

WHEREAS, 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; and

WHEREAS, utilization of annual contracts allows the City to procure numerous different commodities in support of the normal daily operations; and

WHEREAS, the formal competitive bid was advertised in The Hart Beat on December 10, 2014, and December 15, 2014, on the City's website and in the Electronic State Business Daily; and

WHEREAS, bids were opened on Tuesday, January 13, 2015, with four (4) bidders submitting their bid; and

WHEREAS, TCL Construction Enterprises, Inc. was the lowest responsive qualified bidder with a bid amount of \$729,930.50; and

WHEREAS, this purchasing contract was developed utilizing the low bid process; therefore, a Discretionary Contracts Disclosure Form is not required; 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 in an effort to maximize the amount of small, minority, and women-owned business participation on the contract; and

WHEREAS, the Goal Setting Committee set a Minority/Women Business Enterprise (M/WBE) subcontracting goal of sixteen percent (16%) and an African American Enterprise (AABE) subcontracting goal of one percent (1%); and

WHEREAS, TCL Construction Enterprises, Inc. has committed to the Minority/Women Business Enterprise (M/WBE) subcontracting goal of sixteen percent (16%) and an African American Enterprise (AABE) subcontracting goal of one percent (1%) subcontractor participation; **NOW THEREFORE:**

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

SECTION 1. The lowest responsive qualified bid in the amount of \$729,930.50, from TCL Construction Enterprises, Inc. for a Labor and Material Contract for Concrete Work in San Antonio parks, providing labor and concrete material for park operations as needed and in accordance with the annual adopted budget approved by City Council, is hereby accepted. The contract described herein shall become effective upon the deposit of all required bonds and insurance certificates so long as such deposits are accomplished within sixty (60) days from the effective date of this ordinance. A copy of the contractor's executed Formal Invitation for Bids and Contract is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. The amount up to \$729,930.50 will be encumbered upon issuance of purchase orders, and payment is authorized to TCL Construction Enterprises, Inc. All expenditures will be in accordance with the Fiscal Year 2015 and subsequent budgets that fall within the term period of this contract approved by City Council.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP 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 ____ day of _____.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney