

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

AN ORDINANCE

**ACCEPTING THE OFFER FROM CHASTANG ENTERPRISES, INC.
TO PROVIDE 33 AUTOMATED SIDE LOAD REFUSE TRUCKS TO
THE CITY OF SAN ANTONIO FOR A COST OF \$10,197,627.00, FROM
THE EQUIPMENT RENEWAL AND REPLACEMENT FUND AND THE
SOLID WASTE MANAGEMENT DEPARTMENT EQUIPMENT
ACQUISITION FUND, CONTINGENT UPON EXECUTION OF A LEASE
PROGRAM SCHEDULE.**

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WHEREAS, an offer was submitted by Chastang Enterprises, Inc. to provide the City of San Antonio Solid Waste Management Department with 33 automated side load refuse trucks for a total cost of \$10,197,627.00; and

WHEREAS, the Texas Local Government Code indicates that competitive bidding is not required under section 252.022(a)(2), which provides for a procurement necessary to protect the public health or safety; **NOW THEREFORE:**

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

SECTION 1. The offer submitted by Chastang Enterprises, Inc. to provide the City of San Antonio Solid Waste Management Department with 33 automated side load refuse trucks for a total cost of \$10,197,627.00 is hereby accepted, subject to and contingent upon the deposit of all required bonds, performance deposits, insurance certificates and endorsements, and upon execution by City of a lease program schedule or other financing. A copy of the contract is attached hereto and incorporated herein for all purposes as **Exhibit I**.

SECTION 2. Expenses not to exceed \$1,854,114.00 associated with this ordinance will be available in Fund 55005005, contingent upon execution of a purchase lease agreement. Principal and interest payments will be charged to Cost Center 550101001 and General Ledgers 5404010 and 5404020, respectively.

SECTION 3. Funding in the amount of \$8,343,513.00 for this ordinance is available in Fund 72001000, Cost Center 3503200001 and General Ledger 5501055, as part of the Fiscal Year 2014 Budget.

SECTION 4. Payment not to exceed the amount of \$10,197,627.00 is authorized to Chastang Enterprises, Inc. and should be encumbered with a purchase order.

SECTION 5. 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 6.: This ordinance is effective immediately upon passage by eight affirmative votes; otherwise it is effective on the tenth day after passage hereof.

PASSED and APPROVED this ____ day of _____, 2013.

M A Y O R
Julián Castro

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Michael D. Bernard, City Attorney