

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

ORDINANCE

**AWARDING A CONSTRUCTION CONTRACT INCLUDING
AN ADDITIVE ALTERNATE TO MARC3, LLC IN THE
AMOUNT OF \$1,240,241.04 FOR THE MCALLISTER PARK
PROJECT, A 2017 BOND FUNDED PROJECT.**

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WHEREAS, on May 6, 2017, voters approved the 2017 Bond Program which authorized \$2,000,000.00 for McAllister Park improvements; and

WHEREAS, the project will provide for the construction of a bike park, a pavilion, renovation of a low water crossing, expansion of the practice fields' parking lot north of the dog park, and installation of a restroom building near these practice fields; and

WHEREAS, the project work will also include replacement of a restroom sewer line, lighting, electrical, power center for events, site furniture and signage; and

WHEREAS, the additive alternate accepted as part of this contract will include an expansion of the dog park;

WHEREAS, this project was advertised for construction bids on January 8, 2020 in the San Antonio Hart Beat, on the City's website, on the Texas Electronic State Business Daily, on the PW Small Business Office, on CIVCAST electronic bidding site and on TVSA; and

WHEREAS, bids were opened on February 4, 2020 and five (5) bids were received. Of these, Marc3, LLC submitted the lowest responsive bid; and

WHEREAS, This contract will be awarded in compliance with the new 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 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 25% Minority/Women Business Enterprise (M/WBE) subcontracting goal and a 3% African-American Business Enterprise (AABE) subcontracting goal. Marc3, LLC has committed to meeting the subcontractor participation goal; and

WHEREAS, this construction contract was developed utilizing the low bid with qualifiers process. Therefore, a Contracts Disclosure Form is not required; **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 \$1,240,241.04 from Marc3, LLC for the construction of park improvements for McAllister Park project is hereby accepted. All other bids will be considered rejected upon the execution of a contract by the successful bidder and the deposit of all required bonds and insurance certificates or the expiration of ninety (90) days from the effective date hereof, whichever occurs first.

SECTION 2. A construction contract is hereby awarded to Marc3, LLC.

SECTION 3. NO FINANCIAL LANGUAGE AVAILABLE.

SECTION 4. 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 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 the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this ____ day of _____, 2020.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney