

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

AN ORDINANCE

FOR PEARSALL PARK, A 2012-2017 GENERAL OBLIGATION BOND PROJECT, LOCATED IN COUNCIL DISTRICT 4, AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED \$5,492,456.00, PAYABLE TO MJ BOYLE GENERAL CONTRACTOR, INC. AND APPROPRIATING \$300,000.00 IN PROPOSITION 2 SALES TAX VENUE FUNDS AND \$38,755.93 IN UNIFIED DEVELOPMENT CODE FEE IN LIEU OF PARK LAND DEDICATION FUNDS FROM THE PARKS AND RECREATION DEPARTMENT.

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WHEREAS, under the voter approved 2012-2017 Bond Program, \$7.5 million was allocated for Pearsall Park Improvements; and

WHEREAS, two separate public meetings were held in December 2013 and August 2014 to gather feedback for the Pearsall Park Project; and

WHEREAS, as a result of the community input, the Pearsall Park Project will provide for improvements to the Family Fun Zone and Fitness Challenge Zone to include a large and small pavilion, playground facility, splashpad, terrain play, skatepark, restroom and pump room building, basketball courts, fitness equipment, exercise facilities, lighting, landscaping, irrigation, parking, site furniture, fencing, site work and grading, sidewalks, and trail paving; and

WHEREAS, project construction is anticipated to begin in June 2015 and estimated to be completed by June 2016; and

WHEREAS, the existing playground and adjacent parking will be closed for construction; and

WHEREAS, coordination with the Parks and Recreation Department will be made during the construction of this project; and

WHEREAS, a Request for Competitive Sealed Proposals (RFCSP) was released in December 2014; and

WHEREAS, this RFCSP was advertised in the San Antonio Hart Beat, on the City's website, on the Texas Electronic State Business Daily, on TVSA and through the Transportation and Capital Improvements Small Business Office; and

WHEREAS, responses were due on February 3, 2015; and

WHEREAS, a selection committee consisting of representatives from the Transportation and Capital Improvements Department, representatives from the Parks and Recreation Department and the City Manager's Office evaluated and ranked the submissions and scored the proposals; and

WHEREAS, scoring was based on the published evaluation criteria, which included Evaluation of Experience and Qualifications of the Prime Firm, Key Sub-Contractors and Key Personnel, Team's Experience with San Antonio Region issues, Skate Park Construction, Landfill-related Project Experience, past experience with City of San Antonio contracts, Price Proposal and participation in the SBE Prime Contractor Program; 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 applied the Small Business Enterprise Prime Contract Program with fifteen (15) evaluation preference points awarded to M.J. Boyle General Contractor, Inc. as they are a certified SBE firm located within the San Antonio Metropolitan Statistical Area; and

WHEREAS, additionally, the Goal Setting Committee set a 13% Minority/Women Business Enterprise (M/WBE) subcontracting goal and 2% African American Business Enterprise (AABE) subcontracting goal; and

WHEREAS, the Economic Development Department approved a partial waiver submitted by M.J. Boyle General Contractor, Inc. because the contractor demonstrated a good faith effort to provide subcontracting opportunities for small, minority, and women-owned businesses; and

WHEREAS, this contract was developed utilizing a formal request for qualifications and proposal process; therefore, as required by the Ethics Ordinance, a Discretionary Contracts Disclosure Form has been included herein as an attachment; NOW THEREFORE:

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

SECTION 1. The City Manager or her designee, or the Director of the Department of Transportation and Capital Improvements or his designee, is authorized to execute a construction contract for Pearsall Park, in an amount not to exceed \$5,492,456.00, payable to MJ Boyle General Contractor, Inc. A copy of the construction contract, in substantially final form, is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. The amount of \$338,755.93 is appropriated in the listed SAP Funds. The amount of \$338,755.93 is authorized to be transferred to SAP Fund 45099000.

FUND NO. OR INTERNAL ORDER NO.	FUND NAME OR INTERNAL ORDER NAME	G/L	Fund	PLAN VERSION 0 REVISION/ Appropriation
39000001XXX (2005 Fund 29083000)	Trf to 40-00385-90-14-05	6102100	29083000	30,371.00
39000001XXX (2010 Fund 29101001)	Trf to 40-00385-90-14-10	6102100	29101001	269,629.00
I/O 226000000359 (Fund 29088017)	Trf to 40-00385-90-15-01	6102100	29088017	12,659.74
I/O 226000000261 (Fund 29088019)	Trf to 40-00385-90-15-02	6102100	29088019	13,955.57
I/O 226000000475 (Fund 29088109)	Trf to 40-00385-90-15-03	6102100	29088109	12,140.62
			Totals	338,755.93

SECTION 2. The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00385, Pearsall Park, shall be revised by increasing SAP WBS Elements as follows:

FUND NO. OR INTERNAL ORDER NO.	FUND NAME OR INTERNAL ORDER NAME	G/L	G/L NAME	PLAN VERSION 0 REVISION/ Appropriation
40-00385-90-14-05	Trf fr 39000001XXX (2005 Fund 29083000)	6101100	Transfer In	-30,371.00
40-00385-90-14-10	Trf fr 39000001XXX (2010 Fund 29101001)	6101100	Transfer In	-269,629.00
40-00385-90-15-01	Trf Fr UDC Fees - I/O 226000000359 (Fund 29088017)	6101100	Transfer In	-12,659.74
40-00385-90-15-02	Trf Fr UDC Fees - I/O 226000000261 (Fund 29088019)	6101100	Transfer In	-13,955.57
40-00385-90-15-03	Trf Fr UDC Fees - I/O 226000000475 (Fund 29088109)	6101100	Transfer In	-12,140.62
			Totals	-338,755.93

SECTION 3. The amount up to \$338,755.93 is appropriated in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00385, Pearsall Park, SAP WBS Element 40-00385-05-02-01, entitled Construction-City, SAP GL Account 5201140.

SECTION 4 Payment in the amount not to exceed \$5,492,456.00 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00385, Pearsall Park, is authorized to be encumbered and made payable to MJ Boyle General Contractor, Inc., for construction services.

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 _____.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney