

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

AN ORDINANCE

AUTHORIZING A TASK ORDER TO A JOB ORDER CONTRACT WITH KENCON CONSTRUCTORS LTD., FOR THE PEARSALL PARK PROJECT IN AN AMOUNT NOT TO EXCEED \$240,610.00, A CERTIFICATES OF OBLIGATION AND TIRZ RIDGE STONE FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 4.

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

WHEREAS, Pearsall Park was opened on June 11, 2016 featuring a Family Fun Zone, Fitness Challenge Zone, large and small pavilions, playground facility, splashpad, terrain play, skatepark, restroom and pump room building, and basketball courts; and

WHEREAS, the Fitness Challenge Zone includes fitness equipment, exercise facilities and a paved trail; and

WHEREAS, Pearsall Park also received parking and sidewalk improvements; and

WHEREAS, City Council previously awarded a construction contract to M.J. Boyle General Contractors, Inc. in the amount of \$5,492,456.00 under Ordinance 2015-05-21-0429; and

WHEREAS, on June 30, 2016 City Council approved a change order in the not to exceed amount of \$300,000.00, payable to M.J Boyle General Contractor, Inc. for additional park lighting, shade structures and garbage and recycling bins under Ordinance 2016-06-30-0508; and

WHEREAS, M.J. Boyle General Contractors, Inc. has since expressed non-interest in proceeding with the previously approved change order; and

WHEREAS, therefore, in order to complete the additional work, the change order is being cancelled and will be replaced with a Job Order Contract (JOC) with Kencon Constructors, Ltd. in the amount of \$240,610.00; and

WHEREAS, construction for this contract is anticipated to begin in in December 2016 and estimated for completion in March 2017; and

WHEREAS, this project was selected to utilize a Job Order Contracting (JOC), an alternative project delivery method, through which ten contractors were approved through Ordinance 2015-01-15-0013 by City Council on January 15, 2015; and

WHEREAS, the use of the JOC delivery method has provided the City with on-call construction, renovation, and maintenance services for City buildings and facilities; and

WHEREAS, assignment of a JOC contractor to a specific job is based on the contractor's current workload, overall capacity, familiarity with a specific facility, cost, and expertise in completing specific task(s) and/or managing a specific trade needed to carry out the job; and

WHEREAS, of the ten contractors, Kencon Constructors, Ltd. was selected to submit an estimate and project schedule for this project; and

WHEREAS, Kencon Constructors, Ltd. is a small business that has committed to 23% Minority/Women Business Enterprise and 3% African-American Business subcontractor participation; and

WHEREAS, discretionary Contracts Disclosure Form, as required by the City's Ethics Ordinance for all projects, where subjective criteria are used to select the contractor or consultant rather than by low bid; **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 Transportation and Capital Improvements Department or his designee, is authorized to execute a task order to a Job Order Contract with Kencon Constructors, Ltd, in an amount not to exceed \$240,610.00 for the Pearsall Park Project.

SECTION 2. Payment in the amount not to exceed \$240,610.00 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00385, Pearsall Park, is authorized to be encumbered and made payable Kencon Constructors, LTD, for construction services.

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.

SW/vv
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Item #16-5551

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

City Attorney